F 71 & 72 70,[illegible] 1 7 30

C.F. 71 & 72.

19 ..

Department of Land Revenue.

OFFICE ...

STATION ...

No ...

Dated ...

Date ... Initials

Given for copying

Copied

Examined

Signed

Given for despatch

Despatched

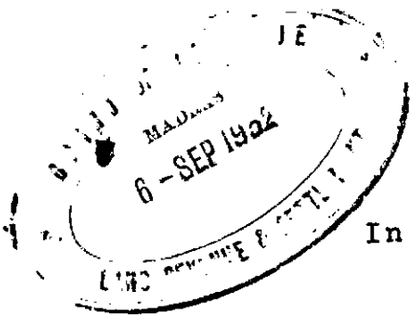
Indexed

To be destroyed [illegible]

(SUBJECT.)

Lands in Panchayat Limits - (Kolara Bangalore & Kolar Bazaar Use Residential Land Members Removal Appeals from (i) A.D. Cuba (ii) Shabuddi (iii) [illegible] (iv) S. Shaft (v) M. [illegible] (vi) Subramanya (vii) [illegible] - VIII Banashankari

* Name to be filled in in the case of permanent troops.



In the Court of the Honourable the Members of the Board of Revenue at Madras.

S.E.D'Cunha, son of A.F.D'Cunha, residing in Attavar village, Mangalore Town, lately member of the Mangalore Kasba Bazaar Panchayat Court, Mangalore. — Appellant.

The Appellant abovenamed begs to state as follows:-

That as the re-election is to be held on the 8th September 1932 and as there is no time to be lost in the middle, he prays that in the intere of justice, the stay order may be communicated to the Collector by wire. He has enclosed herein stamps to the value of annas ~~twelve~~ thirteen towards its cost.

He is also submitting a sworn affidavit by next mail to that effect.

S.E.D'Cunha
Appellant.

Mangalore,
2nd September 1932.

E

In the Court of the Honourable the Members of

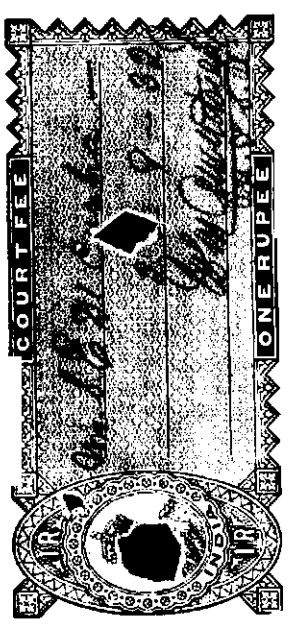
the Board of Revenue at Madras.

Appeal No. -------
1932.

S.E.D'Cunha son of A.F.D'Cunha residing in Attavar village, Mangalore Town, lately member Mangalore Kasba Bazaar Panchayat Court, Mangalore. — Appellant

Appeal under Section 8 of the Madras Villag Court's Act.

The appellant being highly aggrieved by the exparte order passed by the District Collector of South Kanara in Ref.B 3- 5880 - 32 dated 19-8-32 removing (dismissing) your Honour's Appellant from the member-ship of the Mangalore Kasba Bazaar village Panchayat Court, most humbly begs to prefer this appeal agains the order aforesaid on the following among other grounds:-



1. The Appellant humbly begs to invite the Board's attention to the fact that the learned Collector of South Kanara has on 24-8-1932 issued orders dismissing all the 12 members, including the President of the Kasba Bazar Panchayat Court and

orders passed against 11 out of the 12 members of the said Court (that is with the exception of the President) have been entirely exparte. The learned Collector it is submitted had not even the courtesy to give notice to the said 11 members including the Appellant of any charges framed against them or to call for explanations from the said members in respect of the said charges if any.

2. The Appellant begs to submit that until he was served with the cryptic order annexed hereto dated 24-8-1932, the Appellant was not even aware that an enquiry in regard to his conduct was being held by the learned Collector or that he was going to pass any orders against him in this ex-parte and arbitrary manner. p 3 C+

3. The learned Collector has entirely ignored the fact that the Appellant against whom he was passing the aforesaid exparte order had put in nearly 10 years of honorary service as member of the Panchayat Court and that during all these ten years there was not even a single complaint against the Appellant from any one of the 55000 litigant public of Mangalore whose suits are being tried in the said Panchayat Court. The Appellant in this connection referes the Hon'ble members of the Board to the order annexed hereto which p 3 C+

has not even done him courtesy of stating the reasons for his removal from office, what the charges levelled against him are and whether or not they have been substantiated. The order as it stands is illegal on the face of it in so far as it is ex-parte and does not assign any reasons for his removal from office.

4. The Appellant has immediately on receipt of the notice to him of his dismissal applied to the Collector for a certified copy of a fuller order if any, stating the grounds of his removal but the Collector has not yet granted the Appellant the said copy.

5. In the meanwhile the Collector has ordered a re-election of the said Panchayat Court to be held on the 8th of September 1932. The absence of the certified copy of the order stating the charges against him has put the appellant under a great handicap in drawing up this appeal and in moving for a stay of the re-election before the Honourable members of the Board of Revenue. It would appear that the Collector's object in not serving the Appellant with a copy of the order stating the reasons for his removal while at the same time ordering a re-election on the 8th September 1932 was to make it difficult and almost impossible for the Appellant and the 10 other members even to file an appeal to the Board and obtain a stay of the re-elections. The Appellant humbly

submits that the entire object of this Appeal will have failed if the re-election were to take place before the disposal of this appeal and he therefore humbly prays that the Honourable Members may be pleased in the interests of justice to issue an urgent order to the learned Collector to stay the re-election pending the disposal of this Appeal.

6. The Appellant learns that these proceedings of the Collector originated in a petition before him filed by one Bava alias Mam Beary complaining of the gross partiality shown by one G. Shashagiri Bhat, President of the Mangalore Kasba Bazaar Panchayat Court in suit No.1763/1930 on the file of that Court. His grievance was against the President alone and it was to this effect. viz.,that although a majority of the members of the Panchayat Court including the Appellant had passed a decree in his favour nevertheless the President who was alleged to have been won over by the opposite party dismissed the suit contrary to the written opinion of the majority members. The matter had gone up even before the learned District Munsiff of Mangalore and the learned Munsif in his order dated 13-2-1932 Dis. No.386 had warned the President and had directed him to give a decree in accordance with the opinion of the majority members. Because the President did not obey

pp 11-16 of (K)

(T)

the Munsiff's orders and did not respect the opinion of the majority including that of the Appellant the learned Collector, instead of punishing the President alone, has strangely enough, removed all the 12 members of the Panchayat Court after passing ex-parte orders against 11 of them. Such an arbitrary order by the learned Collecto it is humbly submitted, has no justification either in law or in equity, especially when it is remembered that the Collector has by such ex-parte orders seriously injured the reputation of the several innocent and honorary members of that Court and entirely blighted their future social status and prospects.

7. Under these circumstances the Appellant most humbly prays that the Honourable members of the Board of Revenue may be pleased to consider this as a case in which their interference is justly called for in the interest of justice and in view of the fact that the good name and reputation of the appellant has been sought to be wrecked by an entirely exparte order passed behind his back and without even making him aware of the charges if any against him or of his explanations therefor, the Hon'ble members will be mercifully pleased to set aside and cance the exparte order aforesaid and direct the Collector to make an enquiry into the Appellant's misconduct, if any, after giving him due notice of the charges against him. In the meanwhile, as an act of sheer justice and fairplay this Appellant prays, that , as the holding of the re-

pp. 17-19 cf

re-election on the 8th September 1932 will have entirely frustrated the purpose of this Appeal and as the re-elected members cannot be removed even if this Appeal were allowed, the Honourable members will be graciously pleased to suspend the operation of the Collector's order pending the disposal of this Appeal and order an immediate stay of the re-election in the interests of justice.

For which act of justice and mercy, your Honour's humble Appellant will ever remain grateful.

Mangalore,
(
)
2nd Septr'32.(

Appellant.

A copy of this has been submitted to the Collector of S.Kanara.

II.

Subject.

R. F. XXII-A-19-30,004-2-2-31 (6)

FOR MEMBER.

Courts - Village Panchayat courts - (South Kanara) - Mangalore Tk - Kasba Bazaar Panchayat - Member - Removal - S.L.E.D. Cunha - Appeal - Stay - granted

15(LR).

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No. _____. From the A 2798/32, pp 1-2 dated Q. 193

pp 5-10 cf.

" " South Kanara Collector, Ref B-3-5880-32 dated 19-8-32, p: 3 cf Q to Collector only 193

" " _____, " " _____, " _____ 193

RESOLUTION. Refer A 2798/32/1 No. _____ dated Q 7/9/32 193

3.30/9/9

The Collector is requested to stay the election of a member of the Panchayat Court till the appeal is disposed of.

2) Forwarded to the Collector of South Kanara for submission of the record with any remarks which he considers necessary regarding allegations in the petition which are not clearly dealt with in the records

P.T.O

Telegram sent to the Collr of S. Kanara 28/7/9

28/7/9

3) The appellant is directed to submit before 6-10-32 court fee labels of the value of Rs 1/= ~~Rs~~ to be affixed to the petition and a stamped and authenticated Copy of the order of the Collector

4) The following telegram will be issued to the Collector of South Kanara] Mangalore "Stay election member Panchayat Board Kasba Bazaar, [Orders follow] ~~Secretary~~ ~~Board of~~ Revenue Board"

Note to despatch clerk
Issue 0-13-0 postage stamps on plt for the telegram

K.S
6/9/32

6/9/32

To
The Collector of South Kanara
paras 1, 2 and 4 only
with the petition in original
(to be returned with reply)
pp 1-10 cf

To the Petitioner
Mr S. E. D'Cunha son of
A. F. D'Cunha
Mangalore Town
Mangalore Tk
South Kanara Dt

paras 1, 3 and 4 only

Note
The ~~stay of the election~~ ~~is generally stays~~ The draft is put up in accordance with Mr. Stokes's orders.

K.S
6/9/32

Ans
K.S
9

13

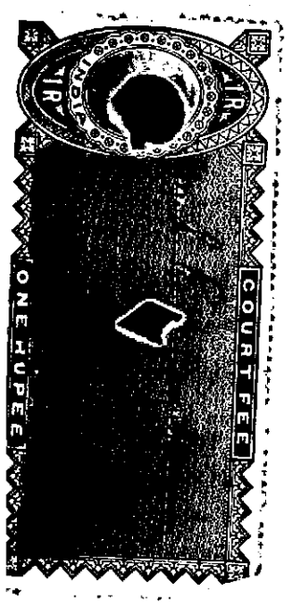
R.P. 570 / A Rs. 13 Remds. Cf. A 2990

BOARD OF REVENUE
MADRAS
21 SEP 1932
SETTLEMENT
LAND

In the Court of the Hon'ble Members of the Board of Revenue at Madras.

Appeal No. ------
1932.

S. E. D'Cunha ... ... Appellant



pp 11-12 Cf

Board's Ref.No.A.2798/32 D/-7-9-32.

The Appellant begs to produce herewith Court Fee lables of the value of Rupee One to be affixed to his petition and also a stamped and authenticated copy of the order of the Collector, as directed in the above order.

for p 5 Cf

Mangalore,
19-9-1932.

D'Cunha

To A.S.(L.R).
This may lie over till the records are received from the Collector.
IGS. 22/9/32

15

Ref. B5 - 5880- 32.

Not a Certified copy

Proceedings of the Collector of South Kanara,

Mangalore.

Dated 19th August 1932.

Present: Khan Bahadur J. Hussain, Bar-at-Law.

Courts: V.P.Mangalore Taluk - Mangalore Kasba Bazaar Village - Removal of members ordered

Read Mangalore Tahasildar's reports:-

1) L.Dis. 10620 - 32 dated 12-7-32

2) L.Dis. 12331 - 32 " 28-7-32

3) L.Dis. 12090 - 32 " 2-8-32

and Mangalore R.D.O's report D.Dis.2760-32 dated 6-8-32.

The reports read above show that there are two factions in the Court and that there is no harmony among the members. There has also been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members is not in conformity with the Village Court's Act and the rules framed there under. I consider that the Court, with its present members has lost the confidence of the public and that its continuance as at present constituted is not in the interests of a proper or straight administration of justice. The removal of its members is, in my opinion, the only course to be adopted and I therefore direct that they may be removed

under section 8 of V.C.Act.

2. The H.D.O.Mangalore is requested to notify this order to all the members and to arrange to hold fresh elections at an early date.

x x x x x x

Sd. J. Hussai
19-8-32

Collector of S.Kanara.

Application No.2389/6-
for copy received 20-9-32

Stamps called for

Stamp-papers produced 20-9-32

Copy ready 20-9-32

Copy delivered or sent
by post to 20-9-32

Sd. Deputy Collector.

(True Copy)

Ref. B.3.5880-32 ✓

Proceedings of the Collector of South Kanara, —
Mangalore. — Dated 19th August 1932.

Present: Khan Bahadur J. Hussain Bava at the
Court V.P. Mangalore Taluk - Mangalore Kasba
Bazaar Village - Removal of members - ordered

Read Mangalore Tahsildars reports -

1) L. Dis 10620-32 dated 18-7-32 — pp. 5-9 of (K)

2) L. Dis 12331-32 dated 28-7-32 pp 31-34 of (K)

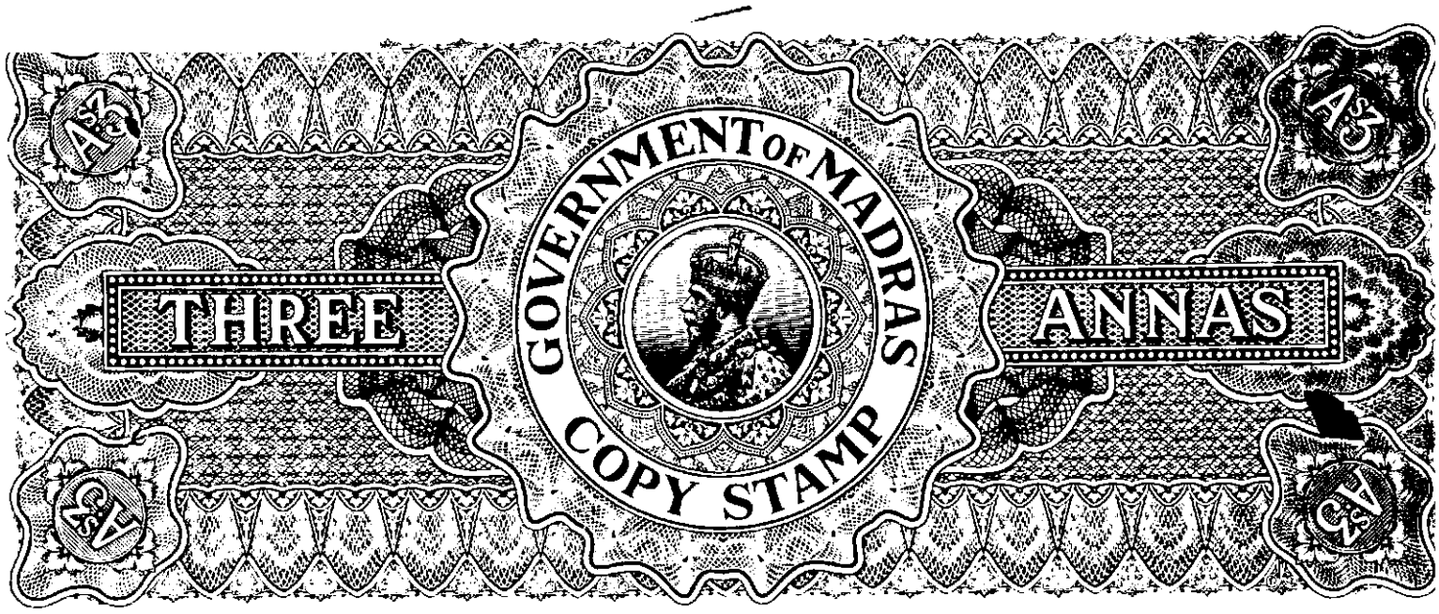
3) L. Dis 12090-32 dated 2-8-32 pp 49-50 of (K)

and Mangalore R.D. O's report D. Dis 2760-32 —
dated 6-8-32 - p~~x~~. 51 of (K)

The reports read above show that there are two factions in the Court and that there is no — harmony among the members. There has also been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members is not in conformity with the Village Courts Act and the rules framed thereunder. I consider that the Court with its present members has lost the

4391
6—9—39

Ltr. M. G. Dai. ref.



confidence of the public and that its continua as at present constituted is not in the interes of a proper or straight administration of just The removal of its members is, in my opinio the only course to be adopted and I therefore direct that they be removed under sec 8 of t V.C. Act.

2 The R.D.O mangalore is requested to noti this order to all the members and to arran to hold fresh elections at an early date.

x x x x

(Sd) J. Hussain

19.8.32

Collector

Application No. 23c for copy received 52 on 10.9.32

Stamp papers called for " —

Stamp papers produced " 10.9.32

Copy ready " 16.9.32

Copy delivered or sent by post to " 17.9.32

Total words = 251

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Deputy Collect

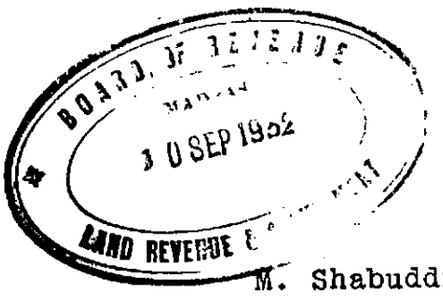
4333
6-9-32

Dur. in G. Pal. 24.

Chas. Amundsen
Lt. R.N.

21 R.P.122 A2855 C.C. 1 Re. C.C. Items.

In the Court of the Hon'ble Members of the Boar



Revenue at Madras.

Appeal No --------
1932.

M. Shabuddin Saheb son of Ahmed Hussein Saheb, lately member Mangalore Kasba Panchayat Court, residing at Alake katte Mangalore town. Appellant.

Appeal under Section 8 of the Madras Village Court's Act.

The Appellant abovenamed being highly aggrieved by the ex-parte order passed by the Collector of S.Kanara in Ref.B3-5880-32 dated 19-8-32 dismissing the Appellant from the membership of the Mangalore Kasba Bazaar Panchayat Court most humbly begs to prefer this appeal against the order aforesaid on the following among other grounds:-

pp 17-19 Cf

1-0 at p37 Cf.

p 3 Cf

1. The Appellant humbly begs to invite the Board's attention to the fact that the learned Collector of South Kanara has on 24-8-1932 issued orders dismissing all the 12 members, including the President of the Kasba Bazaar Panchayat Court and orders passed against 11 out of the 12 members of the said Court (that is with the exception of the

22/

President) have been entirely exparte. The learned Collector it is submitted had not even the courtesy to give notice to the said 11 members including the Appellant of any charges framed against them or to call for explanations from the said members in respect of the said charges if any.

2. The Appellant begs to submit that until he was served with the ~~cf~~ cryptic order annexed hereto dated 24-8-1932, the Appellant was not even aware that an enquiry in regard to his conduct was being held by the learned Collector or that he was going to pass any orders against him in this ex-parte and arbitrary manner. p3cf.

3. The only apparent reason for the summary order of the dismissal against all the twelve members of the Court was a report from the Tahasildar hat there are two factions in the said Panchayat Court and therefore both the alleged factions have been directed to clear out. The supposed delay in the disposal of suit and the alleged nonconfirmity of the Court's order in a "few suits", with the provision of the Village Court's Act~~Act~~ cannot by any stretch of imagination been made the ground of a dismissal of all the Honorary members of the Court. There is not even a finding in the order as to any misconduct or corruption on the part of any of the members of the Court and much less on the present appellant who has been in office only

for 6 months and who is not even aware of any of the so called factions referred to by the learned Collector in his order and used by him as a handy excuse to disban the entire Court.

4. The learned Collector has ignored the fact that the grievances of one or two litigants were made only against the President of the Court and not against any of the members thereof. It is very unfortunate that the Collector has not called upon the Tahasildar to explain why he has not given notice to and recorded the evidence of the 11 members against whom he was making reports ex-parte. The learned Collector does not state in his order who are the members in each faction and when he became aware of the same. The truth is that these sweeping remarks made by the Tahasildar against all the members has not been made after a proper enquiry and is entirely without justification.

5. The Appellant begs to submit that the order is too summary and has been made without any proper enquiry and as such is liable to be set aside.

6. The learned Collector has certainly not properly exercised the powers conferred on him under section 8 of the Village Court's Act , the exercise of the said powers in this case has been purely arbitrary and has unnecessarily injured the good name and reputation of a number of honest and respectable members of the said

Panchayat

Panchayat Court who have been doing honorary and selfless work in the interest of the public.

7. In any event the honorary members of the Board will be graciously pleased to direct the learned Collector to state what misconduct, if any the Appellant has committed to merit this standing blot on his reputation and what explanation the learned Collector is going to offer for having exposed the Appellant to the redicule of the public without even giving him a hearing.

8. The Appellant learns that these proceedings of the Collector originated in a petition before the Dt. Judge of S.Kanara filed by one Bava alias Mam beary complaining of the partiality shown by one G. Sheshagiri Bhat, President of the Mangalore Kasba Bazaar Panchayat Court in suit No.1763/1930 on the file (T) of that Court. His grievance was against the President alone and it was to this effect. viz., that although a majority of the members of the Panchayat Court ~~(including the Appellant)~~ had passed a decree in his favour nevertheless the President who was alleged to have been won over by the opposite party dismissed the suit contrary to the written opinion of the majority members. The matter had gone up even before the learned District Munsif of Mangalore and the learned Munsif in his order dated 13-2-1932 Dis.No.386 had warned the President and had directed him to give a decree in accordance with the opinion of the majority members. Because the President

did not ~~xxxxxx~~ obey the Munsiff's orders and did not respect the opinion of the majority ~~(including that of the Appellant)~~ the learned Collector, instead of punishing the President alone, has strangely enough, removed all the 12 members of the Panchayat Court after passing ex-parte orders against 11 of them. Such ar arbitrary order by the learned Collector it is humbly submitted, has no justification either in law or in equity, especially when it is remembered that the Collector has by such ex-parte orders seriously injured the reputation of the several innocent and honorary members of that Court and entirely blighted their future social status and prospects.

9. Under these circumstances the Appellant most humbly prays that the Honourable members of the Boar of Revenue may be pleased to consider this as a case in which their interference is justly called for in the interest of justice and in view of the fact that the good name and reputation of the Appellant has been sought to be wrecked by an entirely ex-parte order ~~x~~ passed behind his back and without even making him aware of the charges if any against him or of his explanations therefor, the Hon'ble members will be mercifully pleased to set aside and cancel the ex-parte order aforesaid and direct the Collecto to make an enquiry into the Appellant's misconduct, if any, after

if any after giving him due notice of the charges against him. In the meanwhile, as an act of sheer justice and fairplay this Appellant prays that, as the holding of the re-election on the 8th September 1932 will have entirely frustrated the purpose of this Appeal and as the re-elected members cannot be removed even if this Appeal were allowed, the Hon'ble members will be graciously pleased to suspend the operation of the Collector's order pending the disposal of this Appeal and order an immediate stay of the re-election and in case the re-election is held direct the Collector not to confirm same pending disposal of this Appeal.

For which act of justice and mercy, Your Honour's humble Appellant will ever remain grateful.

Mangalore,
7th September 1932.

M Shahabuddin Sahib

A copy of this has been submitted to the Collector of S.Kanara.

Ref. B 3 -7000 - 32.

Proceedings of the Collector of South Kanara, Mangalore

Dated 19th August 1932.

Present:- Khan Bahadur J. Hussain Bar-at-Law.

Courts:- V. P. Mangalore Taluk - Mangalore Kasba Bazaar Village - Removal of members ordered.

****

Read Mangalore Tahasildar's reports:-

1). L. Dis. 10620 - 32 dated 12-7-32

2) L. Dis. 12331 - 32 " 28-7-32

3) L. Dis. 12090 - 32 " 2-8-32.

and Mangalore R.D.O's report D.Dis.2760-32 dated 6-8-32.

The reports read above show that there are two factions in the Court and that there is no harmony among the members. There has also been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members is not in conformity with the Village Court's Act and the rules framed there under. I consider that the Court, with its present members has lost the confidence of the public and that its continuance as at present constituted is not in the interests of a proper or straight administration of justice. The removal of its members is, in my opinion, the only course to be adopted and I therefore direct that they may be removed under section 8 of V.C.Act.

2. The R.D.O. Mangalore is requested to notify this order to all the members and to arrange to hold fresh elections at an early date.

x x x x x

Sd. J. Hussain.
19-8-32

Collector of S.Kanara.

Application No.219 for copy received on 30-8-32.

Stamp papers called for

stamp papers produced " 30-8-32

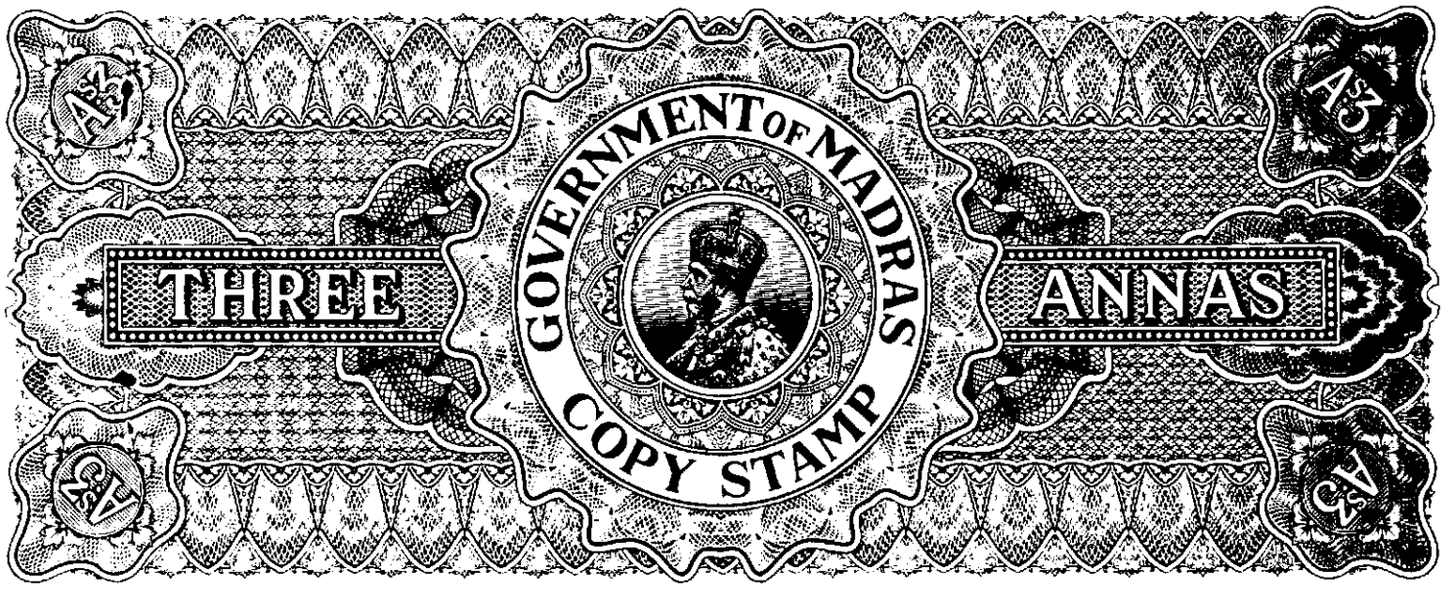
Copy [illegible] " 2-9-32

Copy delivered or sent by post " 5-9-32.

Total words 251. Court Seal Sd.....
5-9-32.
Deputy Collector.

(True Copy)

M Shahabuddin
Sahib



Ref. B.3 — 5886-32

Proceedings of the Collector of South Kanara, Mangalore

Dated 19th August 1932

Present: Khan Bahadur Hussain Rao, at law

Sub-T.P. Mangalore Taluk Mangalore Kinnikambla Bayaar Village — Removal of members ordered.

Read Mangalore Tahsildars reports

1) L. Dis. 1620-32 dated 12.7.32 — pp 5-7 of (k)

2) L. Dis. 1233-32 dated 28.7.32 — pp 31-34 of (k)

3) L. Dis. 1209-32 dated 2.8.32 — pp 49-52 of (k)

and Mangalore R.D.C's report-X Dis 2716-32 dated 6.8.32 — p 51 of (k)

The petitioners have alleged that there are factions in the Kootaras that it is necessary among the members. There is also undue delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members is not in conformity with the rules of the Act and (~~the~~) the rules framed thereunder. I consider that the Court with its present strength

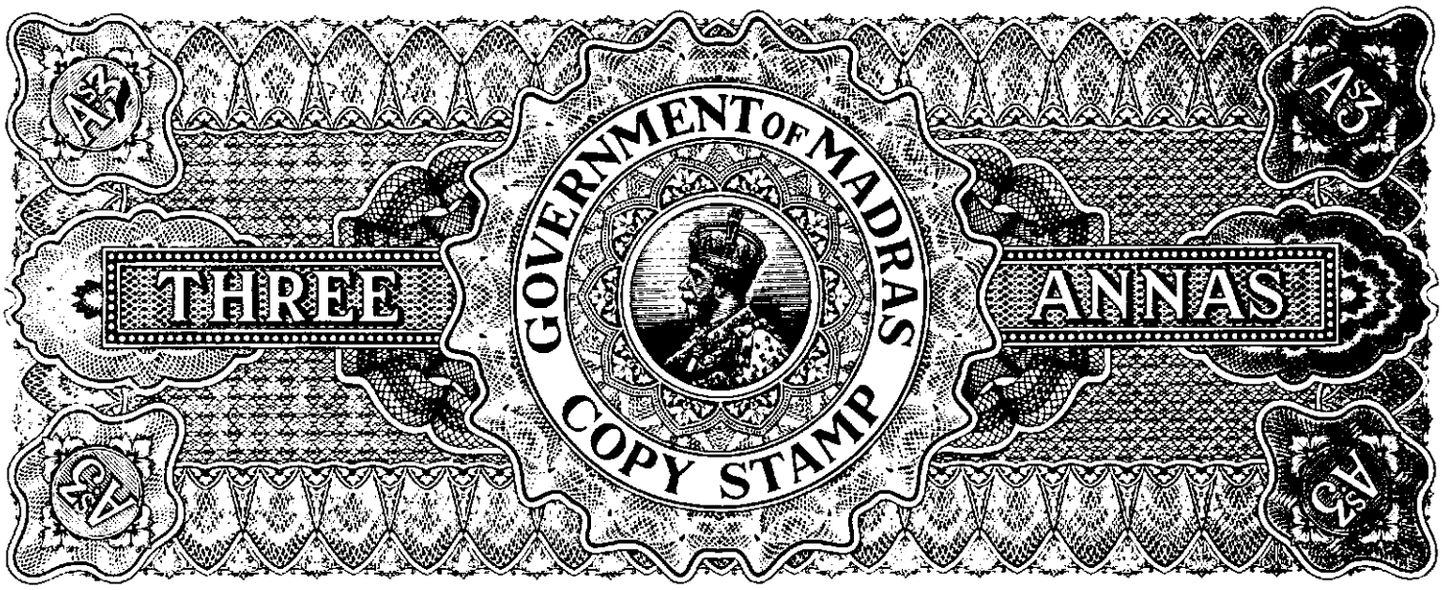
30 10

4019

24-8-32

Dr. M. A. Jalwar. M.

M. A. Jalwar. M.



has lost the confidence of the public and that it cannot continue as at present constituted to protect the interests of a proper & straight administration of justice. The removal of its members is, in our opinion, the only course to be adopted and we therefore direct that they be removed under sec 8 of the M.C. Act.

2. The R.D.O. Mangalore is requested to notify the order to all the members and to arrange to hold fresh elections at an early date.

x x x x

(Sd) J. Hutchins

14.8.32

Collector of S. Kanara.

Certified true copy

True extract on behalf

Asst. to Collector

Application No. 221 for copy received	on	30.8.32
Stamp papers called for	"	—
Stamp papers produced	"	30-8-32
Copy ready	"	2.9.32
Copy delivered or sent by post to	"	6.9.32

Total words = 251

Checked by [illegible] by [illegible]

x 11 x

32 [illegible]

4078

27—8—92

Ltr. M. A. Talwar. ref

[illegible]
M. Cr. C.

~~12~~ 33

A.S.(L.R)

FOR MEMBER.

Subject.

R. F. XXII-A-19—30,004 - 2-2-31 (6)

Courts – Village Panchayat Courts – (South Kanara) - Mangalore Tk - Kasba Bazaar Panchayat – Member - Removal - M. Shabeuddin - Appeal -

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :-- Boards Ref A 2798/32/19 7-9-32 Flag C Also Collector only

Register No. _____ From the A 2857/32 P No. 1-6 dated 9 193

4.35 p.m. Dwk 13/9

~~Boards~~

" " _____ , " " _____ , _____ , " _____ 193

" " _____ , " " _____ , " _____ , " _____ 193

RESOLUTION. Refee A 2857/32/19 No. _____, dated 13-9-32 193

Please see C No 2798/32 putup below (6)

RECEIVED 14 SEP 1932

14/9

The election of a member of the Panchayat Court was already stayed.

2) The appellant is directed ~~to submit~~ file before 6-10-1932 Court fee labels of the value of Rs 1-8-0 to be affixed to the petition and enclosures

3) Forwarded to the Collector of South Kanara for submission of the records with any remarks which he considers necessary regarding allegations in the petition which are not

314

clearly dealt with in the records

(c)(4) The Collector is also requested to report whether the removal of the members of the Panchayat Court was ~~a result of any~~ ordered at the instance of the Dt. Judge, South Kanara

before 25.9.32

Please see para 8 on pp 4-5 ct

TO
The appellant
M. Shahabuddin Saheb
S/o of Ahmed Hussain Saheb
residing at Alakkatte
Mangalore Town
South Kanara Dt

paras 1 & 2 only

KS. 12.9.32

13/9

TO
The Collector of South Kanara
with the petition in original (to be returned with reply)

B pp 1-12 ct

A. 25.9.32

Trm 9/13/9

35

A2983

Ref.B3-5880-32.

South Kanara Collector's Office,
Camp Mudabidri, dated 18-9-1932.

From

Khan Bahadur J. Hussain, Bar-at-law,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

Sir,

Courts - Village Panchayat - Mangalore Taluk - Kasba Bazaar - Removal of members.

pp 33-34 cf Board's Reference A.2857-32-1 dated 13-9-1932.

The order in this case was passed by me without order from the District Judge.

For Collector.

KSR
19.9.32

BOARD OF REVENUE
21 SEP 1932
LAND REVENUE

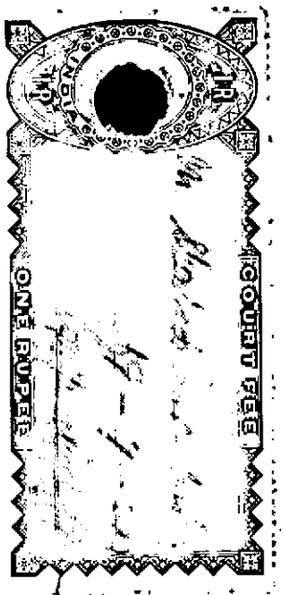
3-

R.P. 576.
A
Ch. Rs. 13

A2989

In the Court of the Hon'ble Members of the Board of Revenue at Madras.

Appeal No. --------
1932.



for Rs 21 Cf

M. Shahabudeen Saheb ... ... Appellant

Rs 33-3 Cf Board's Ref.No.A.2857/32 D/-13-9-1932.

The Appellant begs to produce herewith Court fee lables of the value of Re.1-8-0 to be affixed to his petition and enclosures as directed in the above order.

for Rs 29 Cf

Mangalore, (
)
19-9-1932. (

M. Shahabullain Sahib
Appellant.

A. 2983/32 p 15cf
A 2989/32 p 17cf

To AS (L.R).

This may lie over till the records are received from the Collector.

ICS:
22/9/32

BOARD OF REVENUE
14 SEP 1932
LAND REVENUE

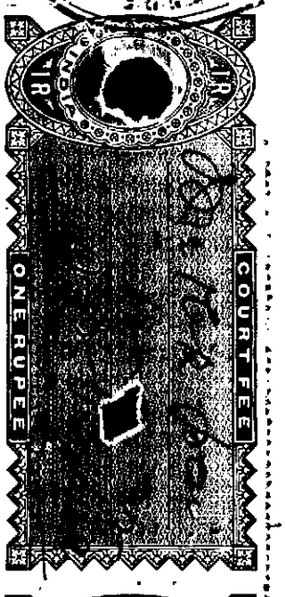
LAND REVENUE & SETTLEMENT
14 SEP 1932
MADRAS
BOARD OF REVENUE

R 1957
A 2904
1932

In the Court of the Hon'ble Members of the Board of Revenue at Madras.

Appeal No.------
1932.

A. R. D'Souza, son of Francis D'Souza, Municipal Councillor and lately member of the Mangalore Kasba Bazaar Panchayat Court, Mangalore. — Appellant.



Appeal under Section 8 of the Madras Village Courts Act.

1. That the Appellant abovenamed begs to file this appeal against the order of the Collector of South Kanara - Ref B 3 - 5880 - 32 dated 19-8-32 removing him from the membership of the Kasba Bazaar Village Panchayat Court under section 8 of the Village Courts Act.

2. That the said order of the Collector was intimated to him by means of a Notice R.O.C.B 6-14064 - 32 dated 24-8-1932 of the Tahsildar of Mangalore Taluk.

3. That the Appellant was taken by surprise by the said Notice, as up till the receipt of the same, he was not aware of any enquiry regarding his incapacity, neglect of duty, misconduct or anything else as is referred to in section 8 of the Village

Courts Act.

4. That before the Appellant could be removed from his membership, he ought to have been informed as to what were the charges against him and his explanation ought to have been called for and an opportunity ought to have been given to him to rebut any charge against him relating to incapacity, neglect of duty, or misconduct &c.,

pp 17-19 ct 5. That the order of the Collector is therefore against rules and ultra vires, and is unsustainable.

6. That with reference to the grounds stated in the Collector's order for the removal of all the members of the Court the Appellant humbly begs to submit as follows:-

(a) The Appellant is not aware of any factions in the Court or want of harmony as stated in the order appealed against.

(b) The delays in the disposal of suits referred to in the Collector's order are not intentional or deliberate, but are, if at all, due to the extraordinarily heavy file of the Court of nearly 3000 suits, and considerable number of Review Petitions, Execution Proceedings and other applications etc.,

(c) Regarding the statement in the order

appealed against that the action taken by the member is not in conformity with the Village Courts Act and the Rules framed thereunder, the Appellant denies that he was a party to any such violation of the Act or the Rules, and unless specific instances are poin ed out, it is not possible to explain or rebut the same.

(d) There is, so far as the Appellant is given to understand, nothing on record to prove the statement in the order appealed against that the Court has lost the confidence of the public. The Appellant has not been furnished with copies of the Reports of the Tahsildar and of the Revenue Divisional Officer, referred to in the Collector's Proceedings, and as such the Appellant is not in a position to know the basis for such a statement, an as such is not in a position to rebut the same.

p. 17 ct

(e) The Appellant will be prepared to explain any charges that may be properly brought against him, and prove that he is really innocent of the aforesaid charges and has not in any way lost the confidence of the public.

(f) This Appellant is a Councillor of the Municipality of Mangalore, elected after contest and a landholder paying nearly Rs.450/- as Municipal, Income-tax and other taxes and it is a matter of

8 45

4

disgrace and ridicule to him that without giving hi any chance of knowing anything as against him, or giving any opportunity to him for submitting his explanation or rebutting any charges as against him he should be summarily removed from his membership under section 8 of the Madras Village Courts Act.

pp 207 P.C Manual.

7. The Appellant therefore humbly prays that the Collector's order may be set aside.

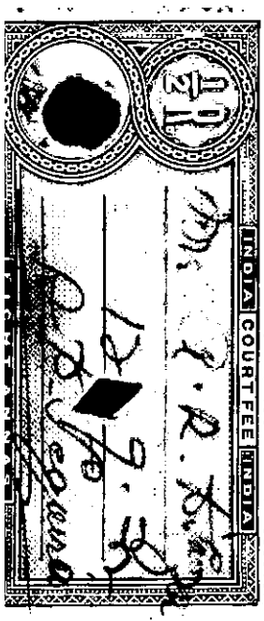
pp 17-19 C

Mangalore,
12th Septr 1932.

Appellant.

'A' 47

GOVERNMENT OF MADRAS COPY STAMP — THREE ANNAS



Ref B.3 – 5880 – 32

Proceedings of the Collector of South Kanara dated Mangal

Dated 19th August 1932

Present:- Khan Bahadur Q. Hurkain Saheb I.A.S. Collector of S. K. Mangalore

Courts of R.D. Mangalore Taluk – Mangalore Kasaba Bayaar Village – Removal of all members ordered

Read Mangalore Tahsildar's reports

1) L.Dis. 11136 – 32 dated 12-7-32 – pp 5-9 of (K)

2) L.Dis 12331 – 32 dated 28-7-32 pp. 31-34 of (K)

3) L.Dis 12690 – 32 dated 2-8-32 pp 49-50 of (K)

and Mangalore R.D.'s report D.Dis 2476 – 32 dated 6-7-32. – p. 51 of (K)

The reports read above show that there are two factions in the Court and that there is no harmony among the members. There has been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members is not in conformity with the Village Courts Act and the rules framed there under. I consider the

(1)

GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

the Court, with its present members has lost the confidence of the public and that its continuance as at present constituted is not in the interests of a proper or straight administration of justice. The removal of its members is, in my opinion, the only course to be adopted and I therefore direct that they be removed from P.Z.M.P.C. Kannad see 8 of the M.C. Act

2 The R.D.O. Mangalore is requested to modify this order to all the members and to arrange to hold fresh elections at an early date.

x x x x

(Sd) G. Hussain

19-8-32

Collector of S. Kanara

Typed by ... on 29-8-32
Compared by ...
Stamp Paper for Order ... »
Stamp Paper for Counterfoil ... » 29-8-32
Copy ready ... » 3
Copy delivered or sent by ... » 10
Total Rupees = 25
Copied by ... Compared by ...

Issued after the fee

Deputy Collector

COLLECTOR OF SOUTH KANARA OFFICE

2365
R. 8. 32
Dr. Dirk. D. Adv.
A. P. Sequeira Jr.

51

AS(L.R).

R. F. XXII-A-19--30,004--2-2-31 (6)

FOR MEMBER.

Subject.

Courts - Village Panchayat Courts - (South Kanara) - Mangalore Tk - Kasba Bazaar Vge Panchayat - Member - Removal - A.R. v Souza - Appeal

READ AGAIN B. P. No. _____, dated _____ 193

" " " Bds Ref 'A' 2798/32/1 dt 9-9-32 Flag (6) Q

READ ALSO :-- Bds Ref A 2857/32/1 dt 13-9-32 Flag (P) Q

Register No. _____. From the A. 2904/32, No. BB1-7 dated Q 193

4 P. Bud 16/9

" " _____, " " _____, _____ 193

" " _____, " " _____, _____ 193

RESOLUTION. Ref A 2904/32/1 No. _____, dated 16.9.32 193

Forwarded to the Collector of South Kanara, in continuation of the Board's references read above, for submission of the records with any remarks which he considers necessary regarding allegations in the petition which are not clearly dealt with in the records.

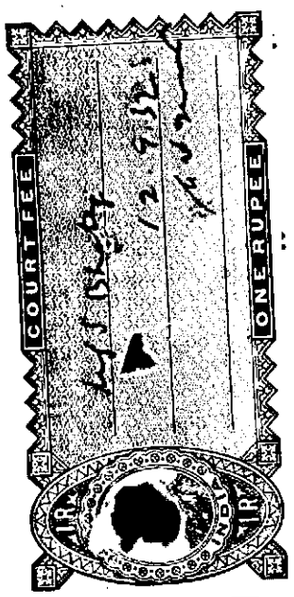
KS
15/9/32
fms 16/9/32

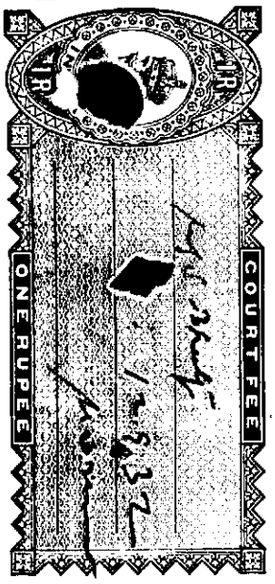
DESPATCH
16 SEP 1932
16/9

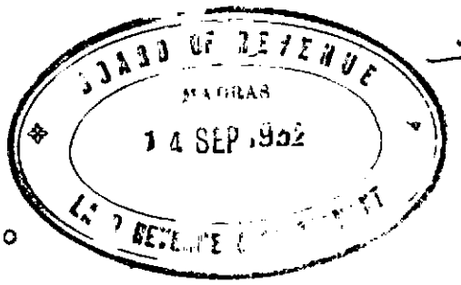
Issued

Remd collr 7-11--32

TO
The Collector of South Kanara
with the petition in original (to be returned with reply).
BB1 - 12ct







53

R.P. 974
A2905
G.O. Rev. 24

To

The Honourable Commissioners of the Board
of Revenue, Land Revenue & Settlement,
Chepauk, Madras.

Humble Appeal Petition of
G. S. Bhatt, Car Street, Mangalore.
South Kanara District. Dated 10-9-1932.

Most Respectfully Sheweth,

1. That the Petitioner abovenamed received a notice R.C.C. B6-14064-32 dated 24-8-1932 from the Tahsildar of Mangalore Taluk, to the effect that the Collector of South Kanara has in his order Ref B 3 - 5880-32 dated 19-8-32 removed him from the ... membership of the Kasba Bazar Village Panchayat .. Court under Section 8 of the Village Courts Act. Certified and properly stamped copy of the Collector's order is herein enclosed.

2. That the Petitioner was taken by surprise by the said notice of the Tahsildar, as up till the ... receipt of the same, the Petitioner was not aware of any enquiry regarding his incapacity, neglect of duty, misconduct or anything else as is referred to in Section 8 of the Village Courts Act.

3. That before the Petitioner could be removed from his membership, he ought to have been informed as to what were the charges against him, and his explan-ations ought to have been called for, and an opportunity ought to have been given to him to rebut any charge ...

against him relating to incapacity, neglect of duty or misconduct etc.

4. That the Collector's order therefore is against Rules and ultra vires and unsustainable.

5. That regarding the grounds stated in the Collector's order for the removal of all the members of the Court, the Petitioner humbly begs to submit as follows:-

(a) The Petitioner has been the President of the Court for about 5½ years and has worked to the entire satisfaction of all.

(b) There are no factions in the Court nor is there want of harmony, though the members may differ in their views regarding the merits of individual cases.

(c) The delays in the disposal of suits ... referred to in the Collector's order are not at all intentional ~~EMM~~ or deliberate, but are, if at all, due to the extraordinarily heavy file of the Court - ... between 2500 and 3000 suits, and considerable number of Review Petitions and Execution Proceedings as well as to the conduct of parties to the suits who drag on the cases on some ground or other which the Court ... could not legally prevent.

(d) Regarding the statement in the order .. appealed against that the action taken by the members is not in conformity with the Village Courts Act and the Rules framed thereunder, the Petitioner denys that he was a party to any such violation of the Act or the Rules, and unless specific instances are pointed out, it is not possible to explain or rebut the same. In such cases however the District Munsiff's Court, ... Mangalore, is the proper Court to which the parties always apply in Revision and violations if any are to

boha fide mistakes and etc are ~~XXXX~~ set right by that Court.

(e) There is, so far as the Petitioner is given to understand, nothing on record to prove the statement in the order appealed against, that the Court has lost the confidence of the public. The .. Petitioner has not been furnished with copies of the Reports of the Tahsildar and of the Revenue Divisional Officer, referred to in the Collector's Proceedings, though he applied for the same duly; and as such the Petitioner is not in a position to know the basis for such a statement, and as such is not in a position to rebut the same. The Petitioner however begs to submit that this ground is entirely unsustainable as is ... proved by the fact that the suits filed in the Courts are daily increasing and there is no sort of complaint from the public against the Court and in spite of four sittings in a week and abundant disposals, the Court finds the work overwhelming and increasing day by day.

(f) The Petitioner will be prepared to ... explain any charges that may be properly brought against him and prove that he is really innocent, and has not ~~XXXX~~ in any way lost the confidence of the public.

6. The Petitioner therefore most humbly prays that in these circumstances this Honourable Board may be graciously pleased to cancel the Collector's order appealed against.

7. For which act of justice the Petitioner shall as in duty bound ever pray.

G. S. Bhatt

PETITIONER

Mgmt 3 5880-32

Proceedings of the Collector of South Kanara, Mangalore

Dated 19th August 1932

Present: Khan Bahadur J. Hussain Bar-at-Law

Courts V.P. Mangalore Taluk - Mangalore Kasba

Bunder Village - Removal of Members ordered

Read Mangalore Tahsildar's reports -

1) L. Dis. 10620-32 dated 12.7.32 pp 5-9 of (K)

2) L. Dis 12331-32 dated 28-7-32 pp 31-34 of (K)

3) L. Dis 12090-32 dated 2.8.32 pp 49-50 of (K)

and Mangalore R.D.O's report - D. Dis 2760-32 dated 6-8-32 - pp 51 of (K)

The reports read above show that there are two factions in the Court and that there is no harmony among the members. Delay has also been considerable delay in the disposal of suits. I find from the records of a few suits that the action taken by the members is not in conformity with the Village Courts Act and the rules framed there under. I consider that the Court

60 78

27/22

24.8.32.

Dr. G. S. Rao.

A. D. Segueira

-9- 61

GOVERNMENT OF MADRAS COPY STAMP

THREE ANNAS

with its present members has lost the confidence of the public and that its continuance as at present ~~constituted~~ is not in the interests of a proper or straight administration of justice. The removal of its members is, in my opinion the only course to be adopted and I therefore direct that they be removed under Sec 8 of the V. C. Act.

2 The R. D. O mangalore is requested to notify this order to all the members and to arrange to hold fresh elections at an early date.

x x x

(Sd) J Hussain

19.8.32

– Collector of S. K.

DISTRICT TREASURY
5- SEP 1932
S. KANARA, MANGALORE

Application for copy received on 31-8-32

Stamp required for " —

Stamp papers supplied " 31-8-32

Copy ready " 2-9-32

Copy delivered or sent by post to " 5-9-32

Total words = 251

Deputy Collector

Examined by

Compd. by AW

~~12~~ 62

2722.

/ 24. 8. 32

Kon. G. S. Ra.

A. B. Segura

F.

18(XX).

Subject. - 63

R. F. XXII-A-19—30,004—2-2-31 (6)

FOR MEMBER. Courts Village Panchayat Courts - (South Kanara) Mangalore Tk - Kasba Bazaar Village Panchayat - Member - Removal. G. S. Bhatt - Appeal

READ AGAIN B. P. No. _____ dated _____ 193

" " " - _____ " " _____ 193

READ ALSO :—

Register No. Dist. Bus C.No 2204/32 } Boards Ref A-2798/32/1 dt 1-9-32 Flag (6) &
From the _____, No. _____, dated _____ 193
Boards Ref A 2857/32/1 dt 13-9-32 Flag (P) &

" P" _____, " " A-2905/32 pp 1 - cf Q 193

& P.S. Amb 16/9 " " _____ " " _____, " _____ 193.

RESOLUTION. Ref A 2905/32/1 No. _____, dated 16/9/32 193

DESPATCHED
16 SEP 1932

16/9

N Seshan Nipdt

You should not have a dog for simple urgent papers.

16/9/32

Forwarded to the Collector of South Kanara, in continuation of the Board's references read above for submission of the records with any remarks which he considers necessary regarding allegations in the petition which are not clearly dealt with in the records.

16.9.

15/9/32

16/9/32

Remind collr 7-11-32

To
The Collector of South Kanara with the petition in original (to be returned with reply)

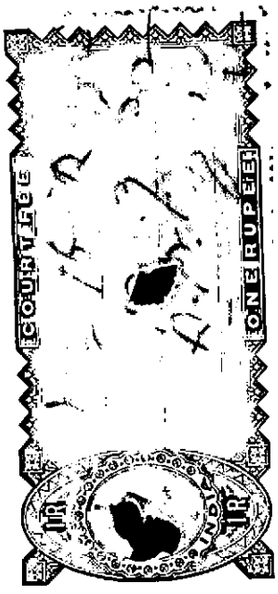
pp 1 - 10 cf

65

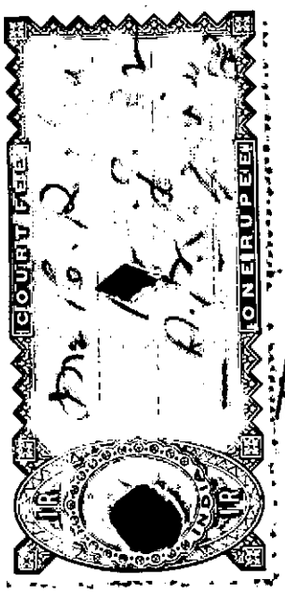
RP 958
A 295 C
R. 22
C. Tamil.

In the Court of the Hon'ble Members of the Board of Revenue at Madras.

Appeal No.-----
1932.



M. Raghavendra Pai, son of Chandu alias Gopal Pai, Municipal Councillor and lately member, Mangalore Kasba Bazaar Panchayat Court, Market Road, Mangalore.) Appellant.



p 207 P.C Manual

Appeal under Section 8 of the Madras Village Courts Act.

1. That the Appellant abovenamed begs to file this appeal against the order of the Collector of South Kanara - Ref B 3 - 5880 - 32 dated 19-8-32 removing him from the membership of the Kasba Bazar Village Panchayat Court under section 8 of the Village Courts Act.

p 17-19 cf

2. That the said order of the Collector was intimated to him by means of a Notice R.O.C.B6-14064 - 32 dated 24-8-1932 of the Tahsildar of Mangalore Taluk.

p 3 cf

3. That the Appellant was taken by surprise by the said Notice, as up till the receipt of the same, he was not aware of any enquiry regarding his incapacity, neglect of duty, misconduct or anything else as is referred to in section 8 of the Village

p 207 P.C. Manual

Courts Act.

4. That before the Appellant could be removed from his membership, he ought to have been informed as to what were the charges against him and his explanation ought to have been called for and an opportunity ought to have been given to him to rebut any charge against him relating to incapacity, neglect of duty, or misconduct &c.

5. That the order of the Collector is therefore against rules and ultra vires, and is unsustainable.

6. That with reference to the grounds stated in the Collector's order for the removal of all the members of the Court the Appellant humbly begs to submit as follows:-

(a) The Appellant is not aware of any factions in the Court or want of harmony as stated in the order appealed against.

(b) The delays in the disposal of suits referred to in the Collector's order are not intentional or deliberate, but are, if at all, due to the extraordinarily heavy file of the Court of nearly 3000 suits, and considerable number of Review Petitions, Execution Proceedings and other applications etc.,

(c) Regarding the statement in the order appealed against that the action taken by the member

bb 17-19
cf

is not in conformity with the Village Courts Act and the Rules framed thereunder, the Appellant denies that he was a party to any such violation of the Act or the Rules, and unless specific instances are pointed out, it is not possible to explain or rebut the same.

(d) There is, so far as the Appellant is given to understand, nothing on record to prove the statement in the order appealed against that the Court has lost the confidence of the public. The Appellant has not been furnished with copies of the Reports of the Tahsildar and of the Revenue Divisional Officer, referred to in the Collector's Proceedings, and as such the Appellant is not in a position to know the basis for such a statement, and as such is not in a position to rebut the same.

pp 17.19cf

(e) The Appellant will be prepared to explain any charges that may be properly brought against him, and prove that he is really innocent of the aforesaid charges and has not in any way lost the confidence of the public.

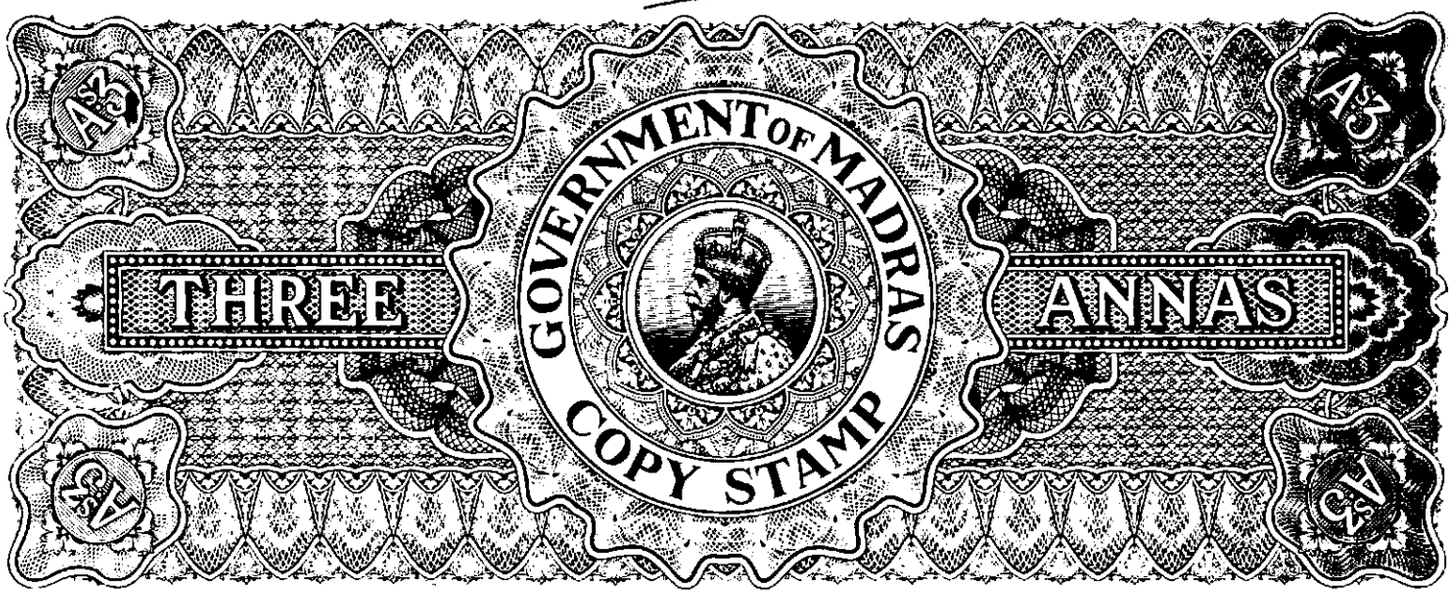
(f) This Appellant is a Councillor of the Municipality of Mangalore, a Director of the Mangalo Co-operative Town Bank,Ltd.,and the Co-operative Town Union Ltd., elected after contest, and it is a matter of disgrace and ridicule to him that withou giving him any chance of knowing anything as against

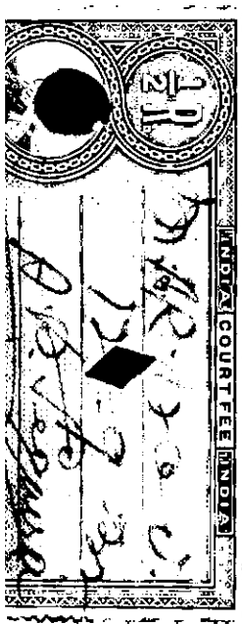
him, or giving any opportunity to him for submittin his explanation or rebutting any charges as against him, he should be summarily removed from his member ship under section 8 of the Madras Village Courts Act.

7. The Appellant therefore humbly prays that the Collector's order may be set aside.

Mangalore.
12th September 1932.

M Raghavendrarao
Appellant.





Ref B.3 - 588c - 32

Proceedings of the Collector of South Kanara, Mangalore

Dated 19th August 1932

Present: Srikar Bahadur & Hussain Bandali ...

Points: V.P. Mangalore Taluk Mangalore Harihara ...

Payaran Village — Removal of Members ordered —

Read Mangalore Tahsildars reports —

1) L. Dis 1c 6320-32 dated 12-7-32 — pp 5-7 (I)

2) L. Dis. 12331-32 dated 28.7.32 pp 21-34 (E)

3) L. Dis 12090-32 dated 2.8.32. pp 49-50 (J)

and Mangalore R.D.'s report D. Dis 2460-32 dated 6.8.32. — p 31 (K)

The reports read above show that there are factions in the Court and that there is no harmony among the members. There is also been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members was not in conformity with the Village Courts Act and the rules framed thereunder. I consider that

3963

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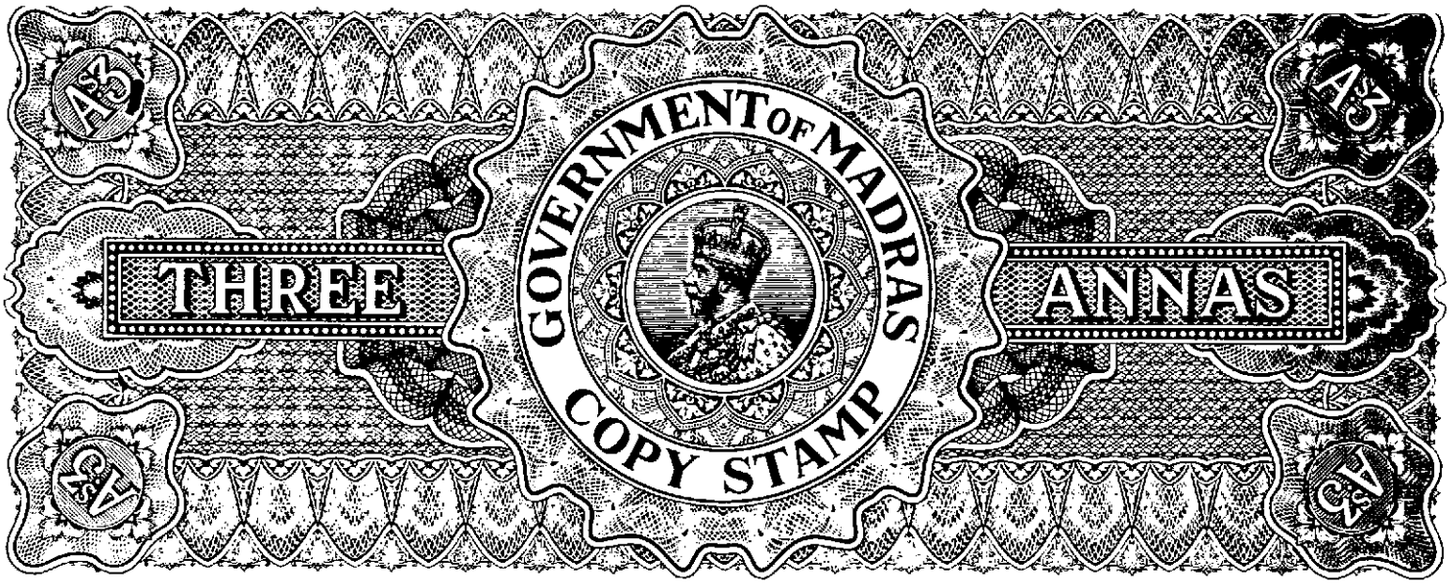


the Court with its present members has lost the confidence of the public and that its continuance as at present constituted is not in the interests of a proper or straightforward administration of justice. The removal of its members is, in my opinion, the only course to be adopted and I therefore direct that they be removed and Sec 8 of the V.C. Act be set—

2. The R.D.O. Mangalore is requested to notify this order to all the members and to arrange to hold fresh elections at an early date.

x x x x x

(Sd) J. Hussain

19-8-32

Collector of S. Kanara

Application for copy received	29-8-32	
Stamp papers called for	"	The Extraction sheet
Stamp papers produced	" 29-8-32	
Copy ready	" 3-9-32	
Copy delivered or sent by post	" 8-9-32	

Total words = 251

Copied by [illegible]

Compared by [illegible]

74

346 s

26-3-32

Ing. M. Alvarez M

M. y T. de

A·S(L·R) *Subject.* 75 R. F. XXII-A-19- 30,004- 2-2-31 (6)

FOR MEMBER. Courts - Village Panchayat Courts .. (South Kanara) - Mangalore TC - Kasba Bazaar Vge Panchayat - Member - Removal - M. Raghavendra Ramachendra Pai - Appeal

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :— Bd's Ref A 2798/32/1 Cg 7-9-32 Flag (C) Q

" Register No. _____ From the Bd's Ref A 2857/32/1 Cg 13 9 32 Flag (P) Q

" 4 P.M. Park 16/9 , " " A·2906/32 /Pl-1, Cf Q 193

" _____ , " " _____ " " _____ , " _____ 193

RESOLUTION. Refer No. A 2906/32/1 dated 16·9·32 193

Forwarded to the Collector of South Kanara in continuation of the Board references read above, for submission of the records with any remarks which he considers necessary regarding allegations in the petition which are not clearly dealt with in the records.

DESPATCHED 16 SEP 1932

16/9

Ics 15/9/32

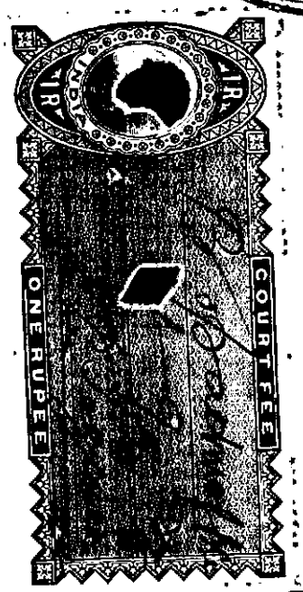
To The Collector of South Kanara with the petition in original (To be returned with reply) Pl-1 Ref

Remind coll 7-11—

BOARD OF REVENUE
MADRAS
23 SEP 1932
LAND REVENUE & SETTLEMENT

II RP695 of 2-80

A 3026



In the Court of the Hon'ble Members of the Board of Revenue at Madras.

Appeal No ------
1932.

B. Padmappa, son of B. Ramappa, Merchant and lately member of the Kasba Bazaar Panchayat Court, Market Road, Mangalore.) Appellant.

p 207 P.C Manual

Appeal under section 8 of the Madras Village Courts Act.

1. That the Appellant abovenamed begs to file this appeal against the order of the Collector of South Kanara - Ref B 3 - 5880 - 32 dated 19-8-32 removing him from the membership of the Kasba Bazar Village Panchayat Court under section 8 of the Village Courts Act.

DD 17-19 Cf

2. That the said order of the Collector was intimated to him by means of a Notice R.O.C.B 6-14064 - 32 dated 24-8-1932 of the Tahsildar of Mangalore Taluk.

p 3 Cf

3. That the Appellant was taken by surprise by the said Notice, as up till the receipt of the same, he was not aware of any enquiry regarding his incapacity, neglect of duty, misconduct or anything else as is referred to in section 8 of the Village

62 of P C Manual

Courts Act.

4. That before the Appellant could be removed from his membership, he ought to have been informed as to what were the charges against him and his explanation ought to have been called for and an opportunity ought to have been given to him to rebut any charge against him relating to incapacity, neglect of duty, or misconduct &c.,

5. That the order of the Collector is therefore against rules and ultra vires, and is unsustainable.

6. That with reference to the grounds stated in the Collector's order for the removal of all the members of the Court the Appellant humbly begs to submit as follows:-

(a) The Appellant is not aware of any factio: in the Court or want of harmony as stated in the order appealed against.

(b) The delays in the disposal of suits referred to in the Collector's order are not intentional or deliberate, but are, if at all, due to the extraordinarily heavy file of the Court of nearly 3000 suits, and considerable number of Review Petitions, Execution Proceedings and other applications etc.,

(c) Regarding the statement in the order

appealed against that the action taken by the members is not in conformity with the Village Courts Act and the Rules framed thereunder, the Appellant denies that he was a party to any such violation of the Act or the Rules, and unless specific instances are pointed out, it is not possible to explain or rebut the same.

(d) There is, so far as the Appellant is given to understand, nothing on record to prove the statement in the order appealed against that the Court has lost the confidence of the public. The Appellant has not been furnished with copies of the Reports of the Tahsildar and of the Revenue Divisional Officer, referred to in the Collector's Proceedings, and as such the Appellant is not in a position to know the basis for such a statement, and as such is not in a position to rebut the same.

(e) The Appellant will be prepared to explain any charges that may be properly brought against him, and prove that he is really innocent of the aforesaid charges and has not in any way lost the confidence of the public.

(f) This Appellant is a Merchant and a land-holder paying nearly Rs.225/- as Municipal, Income-tax and other taxes and it is a matter of disgrace and ridicule to him that without giving him any chance

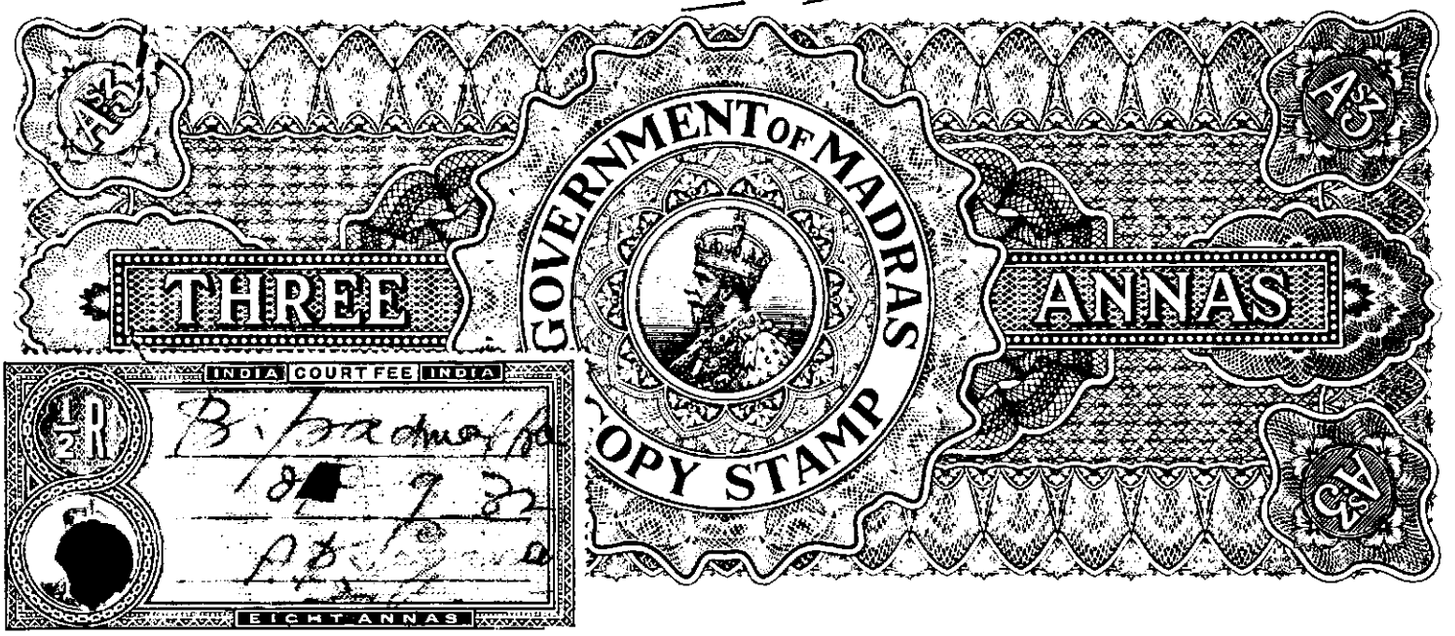
of knowing anything as against him, or giving any opportunity to him for submitting his explanation or rebutting any charges as against him, he should be summarily removed from his membership under section of the Madras Village Courts Act.

7. The Appellant therefore humbly prays that the Collector's order may be set aside.

B. Radhanayaka.

Mangalore.
12th Septr 1932.

Appellant.



Ref B.3. 5880-32. -

Proceedings of the Collector of South Kanara, Mangalore. ——— Dated 19th August 1932

Present: Khan Bahadur J. Hussain Bamat. Case

Court v.o. Mangalore Taluk - Mangalore Kasba Bayaar Village - Removal of members ordered

———

Read Mangalore Talukdar's reports:—

1) L. Dis 10620-32 dated 12-7-32 ——— pp 5-7 of (i)

2) L. Dis 12331-32 dated 28.7.32 ——— pp 31-34 of (j)

3) L. Dis 12090-32 dated 2.8.32 ——— pp 49-50 of (l)

and Mangalore R.D.'s report R. Dis 2700-32 dated 6.8.32. ——— p 51 of (k)

———

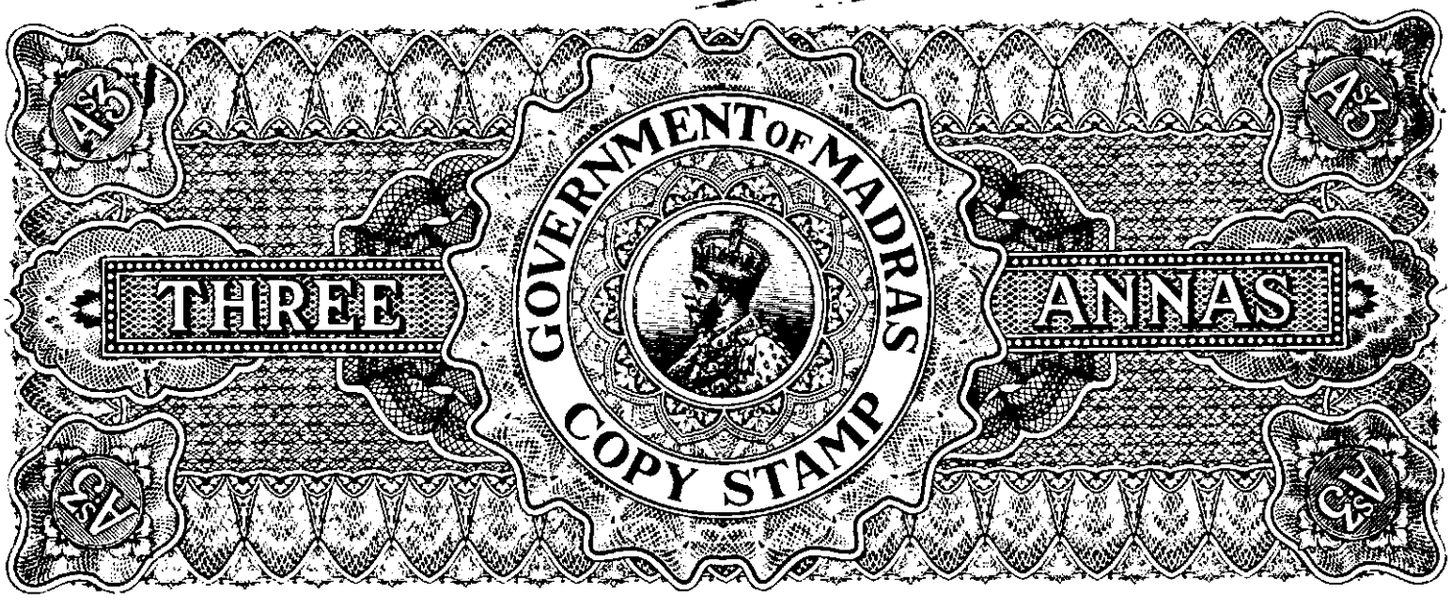
"The reports read above show that there are two factions in the Court and that there is no harmony among the members. There has also been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members is not in conformity with the Village Courts Act and the rules framed thereunder. I consi

19 80

27/XX.
/24. 8. 32

Mr G. S. R.

A. B. Segueiro



that the court with its present members has lost the confidence of the public and that its continuance as at present constituted is not in the interests of a proper or straight administration of justice. The removal of its member is, in my opinion, the only course to be adopted. I therefore direct that they be removed under sec. 8 of the P.C. Act. —

2. The R.D.O. mangalore is requested to notify this order to all the members and to arrange to hold fresh elections at an early date. —

x x x x x

(Sd) J Hutsam

19.9.32

Collector of S.K.

DIRECTOR OF ...

Application No. 233 for copy received on 19.9.32

Stamp papers called for " —

Stamp papers produced " 12.9.32

Copy ready " 16.9.32

Copy delivered or sent by post to " 21.9.32

Total words = 251

Charges Rs. ... Typed by ... dated 19.9.32 — 19.9.32

(True Extract Copy on the reverse)

Deputy Clerk

2260
8. 8. 32
V. Exc. R. V. Dev
A. P. Segura S.

12 88

AS(L.R).

Subject. 89

R. F. XXII-A-19-30,004-2-2-31 (6)

FOR MEMBER. Courts - Uze Panchayat Courts - South Kanara Mangalore Tk - Kasba Bakgaar Uze Panchayat Court - Member - Removal - B. Padmappa Appeal

READ AGAIN B. P. No. _____, dated _____ 193

" " " Read, M, S name. _____ 193

READ ALSO :—

Register No. _____. From the A 3026/32, pp 1-7, dated _____ 193

12-11 Nov Pub Visf " _____, " " _____, _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Refer No. A 3026/32, dated 23/9/32 193

Forwarded to the Collec of South Kanara for subm of the records with any remarks which he consi necessary regarding alle tions in the petition which are not clearly de with in the records

ICS 23/9/32

RECEIVED 24 SEP 1932

24/9

To

The Collector of South Kanara

with the petition in original

(to be returned with reply)

pp 1-12 cf

Returned Coln. 23-9

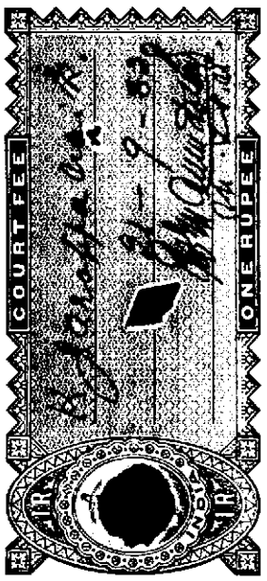
91

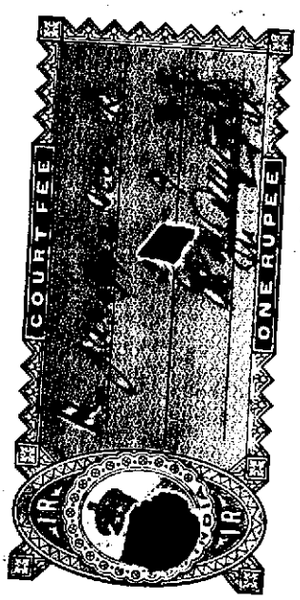
RP 783
cf. 2-8-0

A 3041

To,

The Honourable Commissioners of the Board of
Revenue, Land Revenue & Settlement,
Chepauk, Madras.





Humble appeal petition of:-

K.Jarappa Naik, son of Poovappa Naik, Codialbail, Mangalore, South Kanara District, dated, 21st September 1932.

Most respectfully sheweth,

1. That the Petitioner abovenamed received a notice R.O.C.B 6 -14064-32 dated,24-8-32 from the Tahsildar of Mangalore Taluk, to the effect that the Collector of South Kanara has in his order Ref.B.3-5880-32 dated, 19-8-32 removed him from the membership of the Kasba Bazar Village Panchayat Court under Section 8 of the Village Courts Act. Certified & properly stamped copy of the Collector's order is herein enclosed.

2. That the Petitioner was taken by sur-prise by the said notice of the Tahsildar, as up till the receipt of the same, the Petitoner was not aware of any enquiry regarding his incapability, neglect of duty, misconduct or anything else as is referred to in Section 8 of the Village Courts Act.

3. That before the Petitioner could be removed from his membership, he ought to have been infor-ed as to what were the charges against him, and his explanation ought to have been called for, and an opport-unity ought to have been given to him to rebut any charge against him relating to incapacity, neglect of duty or misconduct etc.

4. That the Collector's order therefore is against rules, and ultra vires and unsustainable.

5. That regarding the grounds stated in th

Collector's Order for the removal of all the members of the Court, the Petitioner humbly begs to submit as follows:-

(a) The Petitioner has been a member of the said court ever since the opening of the Panchayat Court in Mangalore for about 23 years worked to the entire satisfaction of all.

(b) To the Petitioner's knowledge there are no factions in the court ~~or there is~~ nor is there want of harmony, though the members may differ in their views regarding the merits of individual cases.

(c) The delay in the disposal of suits referre to in the Collector's order are not intentional or deli--berate on the part of this Petitioner or of the Court but are, if at all, due to the extraordinarily heavy fil of the Court -between 2500 and 3000 suits and consider--able number of Review Petitions and Execution Proceedin as well as to the conduct of the parties to the suits who drag on the cases on some ground or other which the court could not legally prevent.

(d) Regarding the statment in the order appeal -ed against that the action taken by the members is not in conformity with the Village Courts Act and the Rules framed thereunder, the Petitioner denies that he was party to any such violation of the Act or the Rules, and unless specific instances are pointed out, it is not possible for him to explain or rebut the same. In such cases however the District Munsiff's Court, Mangalore is the proper Court to which the parties always apply in revision and violations if any due to bonefide mistakes etc are set right by that Court.

(e) There is, so far as the Petitioner is given to understand, nothing on record to prove the statement

in the order appealed against that the Court has lost confidence of the public. Copies of the Reports of the Tahsildar and the Revenue Divisional Officer, referred to in the Collector's Proceedings have not been furnished though application for the same was duly made; and the Petitioner is therefore not in a position to know the basis for such a statement, and as such is not in a position to rebut the same. The petitioner however begs to submit that this ground is entirely unsustainable as is proved by the fact that the suits filed in the Court are daily increasing and there is no sort of complaint from the Public against the Court and in spite of four sittings in a week and abundant disposal the Court finds the work overwhelming and increasing day by day.

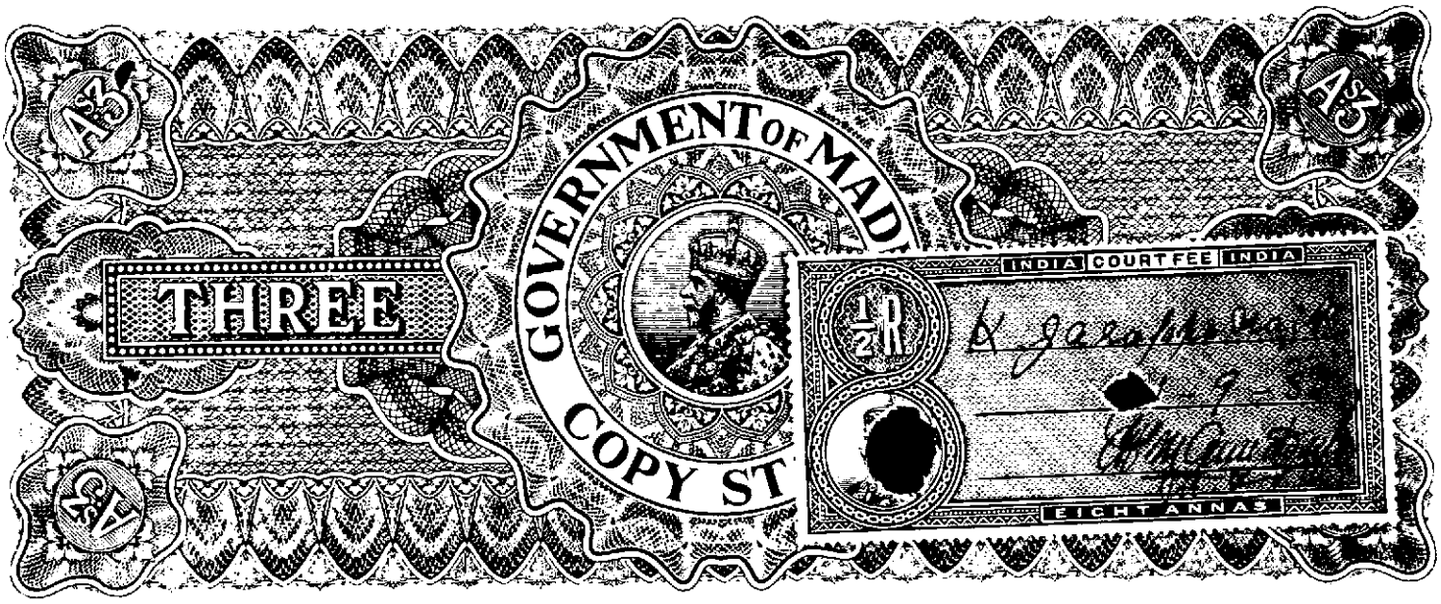
(f) The Petitioner will be prepared to explain any charge that may be properly brought against him and prove that he is really innocent, and has not in anyway lost the confidence of the public.

6. That the Petitioner as an honorary member having worked satisfactorily ever since the starting of the Panchayat Court in Mangalore feels it a grave injus-ice that he should now be removed from the membership without an enquiry or without calling for any explanati from him. There is absolutely no justification for t removal of all the members of the Court at a stretch.

7. The Petitioner therefore most humbly prays that in these circumstances this Honourable Board may b graciously pleased to cancel the Collector's order appealed against.

8. For which act of kindness and justice the Petitioner shall as in duty bound ever pray.

K Saranaraya



Ref B.3.5880-32

Proceedings of the Collector of South Kanara, Mangalore

Dated 19th August 1932

Present Khan Bahadur J. Hussain B.A. at law

Court V.P. Mangalore Taluk Mangalore Dist. Kap.

Bajpe Village — Removal of members ordered

Read Mangalore Tahsildar's reports —

1) L. Dis 10680-32 dated 12-7-32 pp 5-9 c/ (A)

2) L. Dis (12331/32) - 32 dated 28-7-32 pp 31-34 c/ (B)

3) L. Dis 12090-32 dated 2-8-32 pp 49-50 c/ (C)

and Mangalore R.D.'s report - D Dis 2760-32 dated 6-8-32 pp 51 c/ (K)

The reports read above show that there are two factions in the Court and that there is no harmony among the members. There has also been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by the members is not in conformity with the Village Courts Act and the rules framed thereunder. I consider that the Court, with its present members

AW

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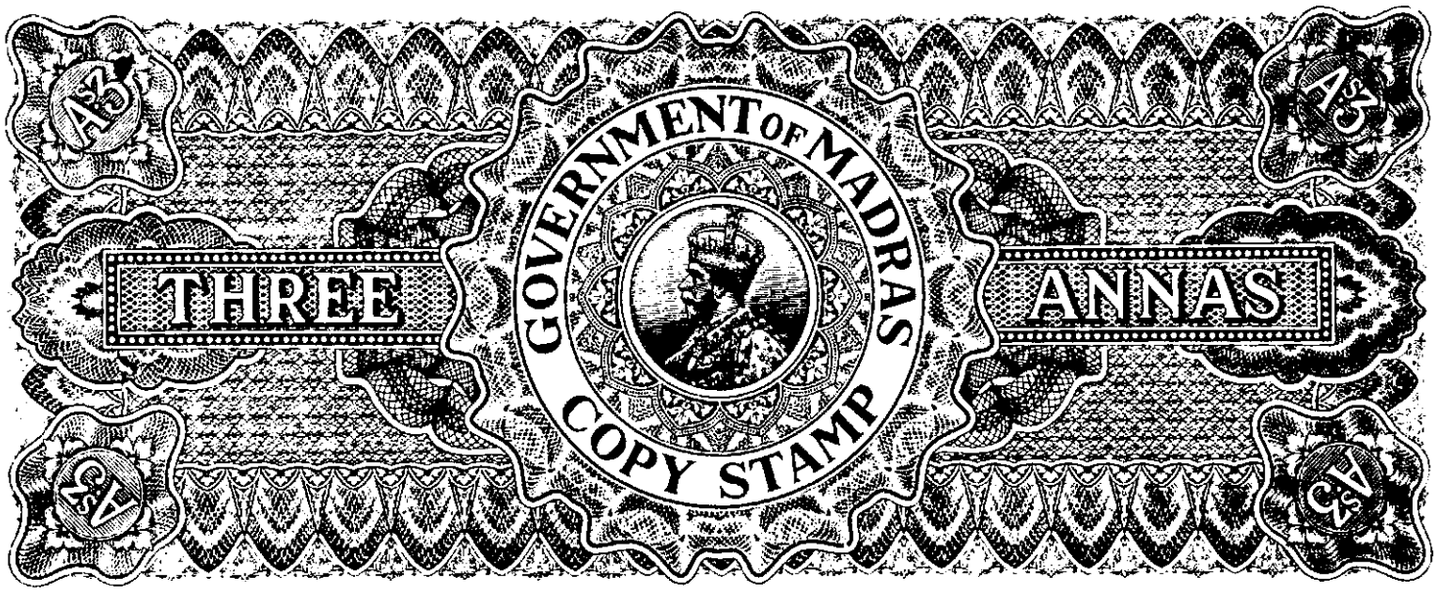
4579
12—9—32.

Mr. M. S. Rao. ad

[redacted]
M. S. U.



has lost the confidence of the public and that it continuance as at present constituted is not in the interests of a proper & straight administration of justice. The removal of its members is my opinion, the only course to be adopted and I therefore direct that they be removed under Sec. 8 of the V.C. Act —

2. The D.C. of Mangalore is requested to notify this order to all the members and to arrange to hold fresh elections at an early date —

× × × ×

(Sd) J. Hussain

14.8.32

Collector of S. Kanara

(True Copy sent on two stamps)

Application No. 241 for copy received } on 16.9.32

Stamp papers called for " —

Stamp papers produced " 16.9.32

Copy ready " 19.9.32

Copy delivered or sent by post to " 19-9-32

Deputy Collector

For 2 brds = 2½

19.9.32

4578
12-9-32.

Mr. M. S. Rao. Esq.

Yours truly,

AS(L.R)

FOR MEMBER.

Subject.

R. F. XXII-A-19—30,004—2-2-31 (6)

Courts - Village Panchayat Courts - (South Kanara) - Mangalore Tq - Kasba Bazaar Vge Panchayat Court - Member - Removal. K. Jarappa Naik - Appeal

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No. _____. From the A. 3041/32 P/No. 1-5 dated Q 193

" " _____, " " _____, _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

4-2-31 MG

RESOLUTION. Refer A 3041/32/1 No. _____, dated 26.9.32 193

Forwarded to the Collector of South Kanara for submission of the records with any remark which he considers necessary regarding allegations in the petition which are not clearly dealt with in the records.

26/9/32

24/9/32

RECEIVED 26 SEP 1932

To

The Collector of South Kanara

with the petition in original (to be returned with reply).

Remd with 24-11-32

B ppl - 10 cf

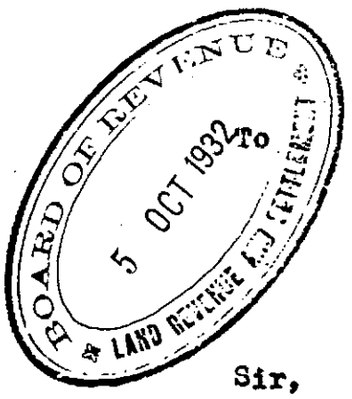
Ref.B3-5880-32. South Kanara Collector's Office,

Mangalore, dated 1st October '32.

From

Khan Bahadur J. Hussain, Bar-at-law,

Collector of South Kanara.



To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Courts - Village Panchayat - South Kanara - Mangalore Taluk - Kasba Bazaar village - members - appeal petitions of Messrs. C.E.D. Cunha, M. Shabuddin, A.R.D'Souza, G.S.Bhat, M. Raghavendra Pai, B. Padmappa and K. Jarappa Naik - Report submitted.

Board's References A.2798-32-1 dated 2-9-32, A.2857-32 A.2904 to 2906-32-1 dated 16-9-32, dated 13-9-32, A.3026/32-1 dated 23-9-32 and 3041-32-1 dated 26-9-32.

I resubmit the petitions received with the Board's references and enclose the records of enquiry held by me with L.Dis. 5147-32 dated 7-6-32 of this office and the records of O.S.848/30 and 1763-30 of the Mangalore Kasba Bazaar Panchayat Court.

2. The administration of the Kasba Bazaar Panchayat Court at Mangalore of which appellants were members had for some time been the subject of great scandal. I had been receiving complaints against the President and reports that there was no harmony between the members and that they had divided themselves into two opposing factions wholly indifferent to the interests of the litigants who resorted to the Court. The enquiry held by the Tahsildar of Mangalore Taluk, the results of which were reported by him in his reports L.Dis. 10620-32-B6 dated 12-7-32, L.Dis. 12331-32 dated 28-7-32 and L.Dis. 12090-32 dated 2-8-32 (which will be found among the records of enquiry) convinced me that the court had

ntirely lost the confidence of the public and that it had ceased to be of service to them.

3. I invite attention to the report L.Dis.4370-32 B dated 27-9-32 (copy enclosed) of the Revenue Divisional Officer, Mangalore Division on the appeal petition of Mr. S.E.D'Cunha and his reports L.Dis. 1559-32 dated 27-5-32 in L.Dis.5147-32 of my office enclosed and D.Dis.2760-32 dated 6-8-32 at page 51 of the records of enquiry which will convince the Board that it was absolutely necessary in the interests of the public to take some drastic steps to set matters right. In view of all these considerations, I passed the order dated 19-8-32 against which the present appeals have been filed. And if I may do so, I may state that in the removal of the members a great service has been done to the suffering public who had the misfortune to resort to a court consisting of such irresponsible and petty minded members.

4. The appellants' one grievance is that they had no notice of the enquiry. The Madras Village Courts Act and the rules framed thereunder do not provide for the issue of any such notice. If, by notice, they mean knowledge then they are saying something that is not true, for it was common knowledge that such an enquiry by the Tahsildar was in progress.

5. It is true that the work is some what heavy; but this of course cannot be an excuse for the inordinate delay and deliberate irregularities in the disposal of cases more particularly as two Assistant Karnams are attached to the court for scriptory work.

6. The election has been stayed as directed in Board's reference A-2798-32-1 dated 7-9-32.

Enclosures.

1. Seven appeal petitions.
2. L.Dis.5147/32.
3. Records of suit 848/30
4. do. 1763/30.
5. Current file-B3-588-32 (60 pages).
6. Copy of L.Dis.4370/32 of the Revenue Divisional Officer, Mangalore.

Syed Nellie 3.9.32

For Collector.

KSR
3.9.32

L.Dis.No.4370-32-B.

Submitted to the Collector of South Kanara, with reference to his Ref.B-3/5880-32 dated 13-9-1932.

2. The Kasba Bazaar Panchayat Court which has been dissolved recently was proverbial for its bad administration. It was not working properly for the last three years. Mr. Pais set forth the defects of the court in detail in his letter D.Dis.No. 3658-29 dated 23-12-1929, to the Collector and suggested its dissolution recommending a bifurcation especially since there were numerous complaints from the public against th court. There were factions among the members of the court who were always behaving in an unenviable way. The President had his own party consisting of three or four members who used to back him up in his ways. The other party was generally headed by the appellant in question sided by the assistant karnam who has been removed now from the place. In his D.Dis. No.209/30 dated 23-4-1930 the Collector negatived the bifurcation proposa and warned the President against the inordinate delays in the disposal of suits and grant of unnecessary adjournments. In spite of repeated warnings the court did not make any attempt to improve. There were complaints against the President from the public as well as from the opponent members. In short, the court was looking more like a house of factions and fights rather than a court of justice. Early in May 1932, one Bava alias Mam Beary sent a petition complaining against the misconduct of the President and certain other members in suit No. 1963/1930 to which he was a party. My predecessor gave a personal hearing to the President and another member Mr. Raghuvendra Pai and finding that they were not speaking the truth, one contradicting the other, recommended the removal o: the President and member Mr. Raghuvendra Pai in this office letter to Collector D.Dis. No. 1559-32 dated 27th May 1932. In Collector's order L.Dis.No.5147-32 dated 7-6-1932 the Tahsildar was requested to instruct the President and the members of the court to follow the rules more strictly.

3. The Court continued to work in its usual way. The Collector and the Revenue Divisional Officer received several petitions against the President, members and the Assistant Karnam attached to the Court. The Tahsildar after necessary enquiry submitted the following reports:- (1) L.Dis.10620-32-B6 dated 12-7-1932 (2) L.Dis.No.12331-32 dated 28-7-32 and (3) L.Dis.No. 12090-32 dated 2-8-1932 All these reports which were submitted with my report D.Dis. No.2760-32, dated 6-8-1932 disclosed that this court with its members had lost the confidence of the public and that its continuance would hamper the proper administration of justice. There was no harmony among the President and members. When the President was late for a certain meeting, it began with a member elected as President but when the President arrived this member would not vacate the chair. The Collector, therefore, removed the members including the President under Section 8 of the Village Courts Act as that was the only course which could be adopted in the circumstances.

(1) pp 5-9 of (K)
(2) pp 31-34 of (K)
(3) pp 49-50 of (K)
p 51 of (K)

Revenue Divisional Office,
Mangalore,
Dated: 27th September '32.

Sd/- xx xx xx
Revenue Divisional Officer.

True Copy.

For Collector.

KSR
3-10-32

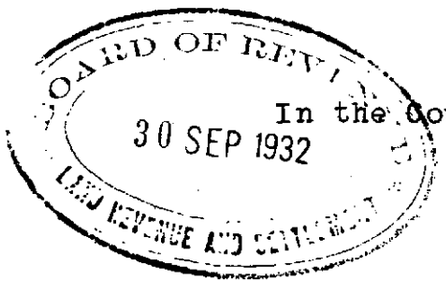
To. AS.(L.R).

The records of the Panchayat Court in OS 1870+30 Flag (S) and OS. 1763 of 30 Flag (T) which are in Kanarese language have got to be read and translations prepared of important Statements etc. So, an extension of time for 3 days may be granted for submitting the note. To lie over till then

K.S.
11/10/32

107 RP 242
dt 2-80
encs

A 3099

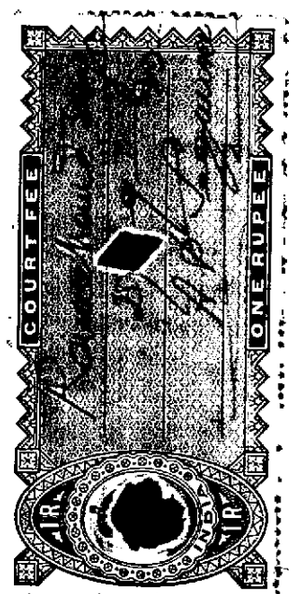


In the Court of the Hon'ble Members of the Board

Of Revenue at Madras.

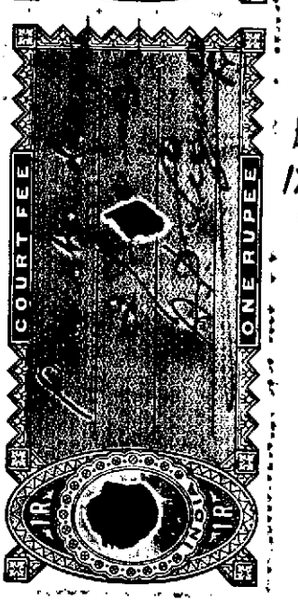
Appeal No /1932.

Ramachandraya son of Venkatramanaya lately member Mangalore Kasba Bazaar Panchayat Court, residing at ~~Kakxxx~~ Bolur village, Mangalore, Post.Urva, South Kanara. — Appellant



P207 pc. Manual

Appeal under section 8 of the Madras Village Courts Act.



bb 17-19 cf

The Appellant abovenamed being highly aggrieved by the ex-parte order passed by the Collector of S.Kanara in Ref.B 3-5880-32 dated 19-8-32 dismissing the Appellant from the membership of the Mangalore Kasba Bazaar Panchayat Court, most humbly and respectfully begs to prefer this appeal against the order aforesaid on the following among other grounds:-

P3 cf

1. The Appellant humbly begs to invite the Board's attention to the fact that the learned Collector of S.Kanara had on 24-8-32 issued orders dismissing all the 12 members, including the President of the said Panchayat Court and orders passed against 11 out of the 12 members of the said Court (that is with the exception of the President) have been entirely exparte

The learned Collector it is submitted did not give notice to the said 11 members including the Appellant of any charges framed against them ~~in~~ or to call for explanations from the said members in respect of the said charges if any.

2. The Appellant begs to submit that until he was served with the cryptic order annexed hereto dated 24-8-1932, P34 the Appellant was not even aware that an enquiry in regard to his conduct was being held by the learned Collector or that he was going to pass any orders against him in this exparte and arbitrary manner.

3. The only apparent reason for the summary order of the dismissal against all the 12 members of the Court was a report from the Tahsildar that there are two factions in the said Court and therefore both the alleged factions have been directed to clear out. The supposed delay in the disposal of suits and the alleged non-conformity of the Court's order in a "few suits" with the provision of the Village Courts' Act cannot by any stretch of imagination be made the ground of a dismissal of all the honorary members of the Court. There is not even a finding in the order as to any misconduct or corruption on the part of any of the members of the Court and much less on the present Appellant who has been in office continuously over 24 years and who was the President of the very Court for about 13 years. During his tenure of Presidentship, he may be permitted

permitted to bring to the Board's kind notice that he discharged the duties efficiently and diligently and to the entire satisfaction of the litigant public and also to his superiors with the result that several District Munsiffs and Divisional Officers were pleased to record very good remarks in his favour. The work of the Court in some of the years then was so very heav that the file of the Court even rose up to 3000. The above facts will be borne out by the records of the Court. The Appellant humbly submits that under any circumstances, he did not merit the summary removal frc the membership and he feels this stain on his clean record.

4. The learned Collector has ignored the fact that the grievances of one or two litigant-s were made only against the President of the Court and not against any of the members thereof. It is very unfortunate that the Collector has not called upon the Tahasildar to explain why he has not given notice to and recorded the evidence of the 11 members against whom he was making reports exparte. The learned Collector does not state in his order who are the members in each faction and when he became aware of the same. These sweeping remarks made by the Tahasildar against all the members have not been made after a proper enquiry

and are entirely without justification.

5. The Appellant begs to submit that the order is too summary and has been made without any proper enquiry and as such is liable to be set aside.

6. The Appellant learns that these proceedings of the Collector originated by a requisition passed by the District Judge in connection with a petition filed by one Bava alias Mam Beary complaining of the partiality shown by one G. Sheshagiri Bhat, President of the Mangalore Kasba Bazaar Panchayat Court in suit No.1763/1930 on the file of that Court. His grievance was against the President alone and it was to this effect.viz.,that although a majority of the members of the Court had passed a decree in his favour nevertheless the President who was alleged to have been won over by the opposite party dismissed the suit contrary to the written opinions of the majority members. The matter had gone up even before the learned District Munsif of Mangalore and the learned Munsif in his order dated 1-2-1932 Dis.No. 386/13-2-1932 had warned the President and had directed him to give a decree in accordance with the opinion of the majority members. Because the President did not obey the Munsif's order and did not respect the opinion of the majority the learned Collector instead of punishing the President alone has strangely enough, removed all the 12 members of the said Court after passing ex-parte orders against 11 of them. Such an arbitrary order by the learned Collector

pl. see page 15 of ENO A 2857/32 putup below

(T)

it is humbly submitted, has no justification either in law or in equity, especially when it is remembered that the Collector has by such exparte orders seriously injured the reputation of the several innocent and honorary members of that Court, and entirely blighted their future social status and prospects.

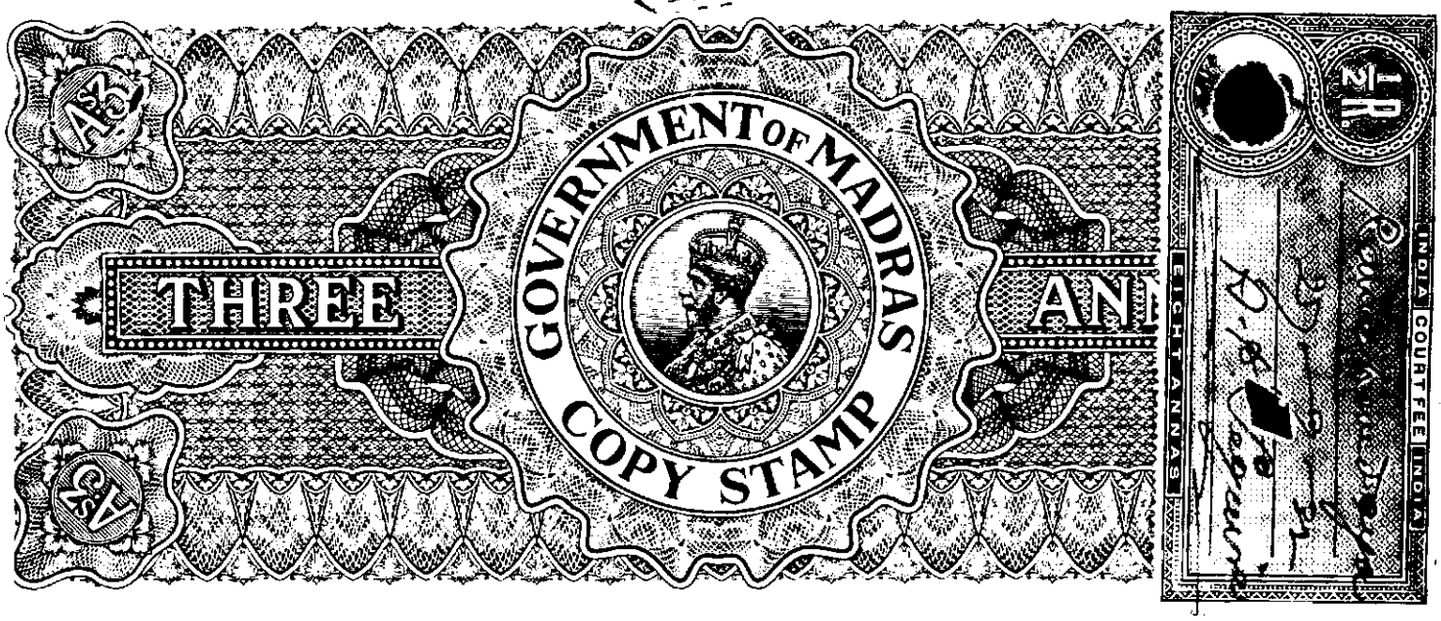
7. Under these circumstances the Appellant most humbly prays that the Hon'ble members of the Board of Revenue may be pleased to consider this as a case in which their interference is justly called for in the interest of justice and in view of the fact that the good name and reputation of the Appellant has been sought to be wrecked by an entirely exparte order passed behind his back and without even making him aware of the charges if any against him and obtaining his explanation therefor, the Hon'ble members will be mercifully pleased to set aside and cancel the exparte order aforesaid and direct the Collector to make an enquiry into the Appellant's misconduct, if any, after giving him due notice of the charges against him.

For which act of justice and mercy your honour's humble Appellant will ever remain grateful

Mangalore.

27th September 1932.

115



Ref B.3 5880-32

Proceedings of the Collector of South Kanara, Mangalore

Dated 19th August 1932

Present: Khan Bahadur S Hussain Sahib, Court of Village Officers, Mangalore Taluk - Mangalore Kasba Division Village - Removal of members ordered

Read Mangalore Tahsildars reports

1) L.Dis 10620-32 dated 12-7-32 pp 5-9 of (L)

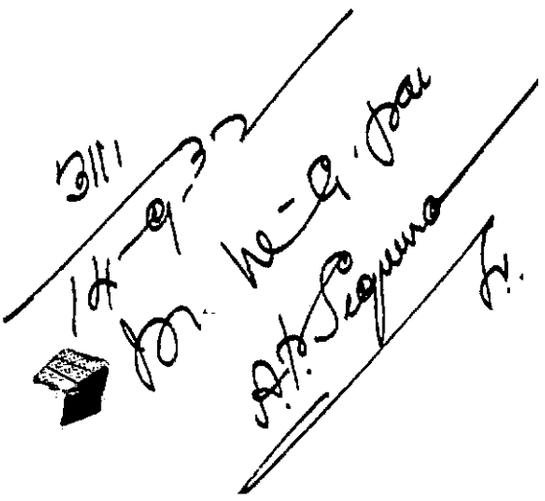
2) L.Dis 12331-32 dated 28-7-32 pp 31-34 of (L)

3) L.Dis 12090-32 dated 2-8-32 pp 49-50 of (L)

and Mangalore R.D.O's report D.Dis 2760-32 dated 6-8-32 p 5107 (k)

The reports read above show that there are five factions in the Court and that there is no harmony amongst the members. There has also been considerable delay in the disposal of suits. I also find from the records of a few suits that the action taken by members is not in conformity with the Village Courts Act and the rules framed thereunder. I consider that the Court, with its present members

MN



GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

has lost the confidence of the public and that its continuance (~~of the public and that its~~) as at present constituted is not in the interests of a proper or straight administration of justice. The removal of its members is, in my opinion, the only course to be adopted and I therefore direct that they be removed under Sec 8 of the V.C. Act.

2. The R.D.O. Manjal are is requested to notify order to all the members and to arrange to hold fresh elections at an early date.

x x x x

(Sd) J. Hussain

14.8.32

Collector of S. Kanara

Encl one only.

Application No. 243 for copy received } on 17.9.32

Stamp papers called for ..

Stamp papers produced .. 17.9.32

Copy ready .. 19.9.32

Copy delivered on .. 21-9-32

Total Rs = 2-5

Copied by [illegible] Compared by JN 19.9.32

Yours truly
Deputy Collector

3/12
14-9-32
Jos. Wilh. Han.
A. to Segura fr.
6/8

117

H.S(L.R)

R. F. XXII-A-19--30,004--2-2-31 (6)

FOR MEMBER.

Subject.

Courts - Village Panchayat Courts - C South Kanara) - Mangalore Tk - Kasba Bazaar Uge Panchayat Court - Member - Removal - Ramachendraiya - Appeal

READ AGAIN B. P. No. _____, dated _____ 193

" " " Read " M's name _____ 193

READ ALSO :--

Register No. _____, From the A. 3099/32, No. P 1 - 5, dated 31-10 193

" " _____, " " _____, _____, " _____ 193

" " _____, " " _____, " " _____, " _____ 193

RESOLUTION. Refer A 3099/32/1 No. _____, dated 1/10/32 193

Forwarded to the Collr of South Kanara for submission of the records with any remarks which he considers necessary regarding allegations in the petition which are not clearly dealt with in the records.

K.S
1.10.32
for 1.10.32

1-10-32

DES. ICHE
30 OCT 1932
28
3/16

To

The Collector of
South Kanara
with the petition in original
(to be returned with reply)
Ⓟ pp 1-12 cf

Remind Collr 1 .. 32

A3320 ans.

Ref.B3-5880-32. South Kanara Collector's Office,

Mangalore, 6th October 1932.

From

Khan Bahadur J. Hussain, Bar-at-Law,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Courts - Village Panchayat - South Kanara - Mangalo: Taluk - Kasba Bazaar village - Members - Removal - Appeal petition of Ramachandraya.

******

p 119 cf Board's Reference A.3099-32, dated 1st October 1932

******

I have already submitted a detailed report in my

pp 103-104 cf letter Ref.B3-5880-32, dated 1-10-1932 in connection with seven appeal petitions by members who were removed along with the present petitioner. The connected records also have been submitted with the above letter. I have ----- nothing more to add.

2. The appeal petition with its enclosures is re-submitted.

For Collector.

KSR 7.10.32

M.D'S.6/10.

R. F. XXII-A-19—23,004—15-3-32 (6)

Subject.

R. MEMBER. Courts - Village Panchayat Court (South Kanara Mangalore Tk - Kasba Bazaar Vge Panchayat Court - Members - Removal - Appeals from (i) S.E. D'cunha (ii) M. Shabuddin Saheb (iii) A.R.D' Souza (iv) G.S. Bhatt (v) M. Raghavendra Pai (vi) Dr Padmappa (vii) K. Jaldappa Naik and viii Ramachendraya - Orders passed

READ AGAIN B. P. No. ____, dated ____

" " " ____, "

READ ALSO :— A 2798/32 pp 165-170 cf
A 2857/32 pp 21-26 cf
A 2904/32 pp 39-45 cf
A 2905/32 pp 53-57 cf
A 2906/32 pp 65-71 cf
A 3026/32 pp 77-83 cf
A 3041/32 pp 91-95 cf
A 3099/32 pp 107-111 cf
A 3277/32 pp 103-106 cf
A 3310/32 p 121 cf

Register No. ____, From the ____, No. ____, dated ____ 193

Q to Collector and appellant Concerned

" " ____, Q to the ____, ____ 193

" " ____, " ____, " ____ 193

Q to Collector only

RESOLUTION. No. ____ dated 24/10/32 193

Mis

These are appeals under sec. 3 of Act I of 1889 against the Collector's order removing the appellants from the membership of the Panchayat Court. The Board has examined the records of the case. The Board finds that the Collector has not framed charges or given the members an opportunity of representing their cases and directs him to do so now for any member against whom there appears

to be sufficient ground for ~~~ 24
individual proceedings. The
Collector is also informed
that the enquiry should be
in accordance with B.S.O
133. (His attention is invited to the judgment of the Hon'ble Court at pp 137-151 of 55 I.L.R
The order of the Collector
Ref B 3 5880-32 dt 19-8-32 pp 17-19 ct
is cancelled.

2) The appellant is
referred to the Collector
of South Kanara for orders
on his appeal.

3) The Collector's attention
is invited to the Board's
Ref A. 2735/32/3 dt 19:10:32
and he is requested to
along with his reply
submit again such of the
records that are necessary
for the disposal of the
appeal of the Asst. Karnam
of the Panchayat Court,
pending with the Board.

K.S.
20/10/32

Translated

To
The Collector of South
Kanara
paras 1 to 3 only
(with records returned)
(vide list at page 104 ct omitting
item (1)

To
The appellant
para 4 only

(1) Mr.
S. E. D'Cunha son of
A. F. D'Cunha
residing in Altara Upa
Mangalore Tan
Mangalore
South Kanara Dt
with enclosures returned
pp 3-4 ct.

P.T.O

86/1821.25

(ii) M. Shabuddin Sahab
son of Ahmed Hussain S
residing at Alake kal
Mangalore Town
Mangalore Tk
South Kanara Dt.

(iii) ~~M.R.Rly~~ Mr.
A.R. D'Souza son of
Francis D'souza
Mangalore Town
S. Kanara Dt

M.R.Rly.
(iv) G. S. Bhatt
Car Street
Mangalore Tow
S. Kanara Dt

M. R Rly.
(v) M. Raghavendra Pai
son of Chandu alias
Gopal Pai
Market Road
Mangalore Town
S. Kanara Dt

M. R Rly
(vi) B. Padmappa son of
B. Ramappa
Market Road
Mangalore Town
S. Kana Dt

(vii) M. R Rly
K. Jarappa Naik son
of Poovappa Naik
Codiabail
Mangalore Town
S. Kanara Dt

(viii) M. R Rly
Ramachendraya son
Venkataramanaya
residing at Bolar Vge
Mangalore Post Tw
South Kanara D

With enclosures returned
@ pp. 113-114 C/f

M,
S

AS(L/R) (South Kanara) - Mangalore Tc
Kasba. Bagaan Vge. Panchayat Court-
Members - Removal - Appeals fro

(i). S. E. D'Cunha
(ii) M. Shabuddin Saheb
(iii). A. R. D Souza
(iv). G S. Bhatt (President).
(v). M. Raghavendra Pai
(vi). B. Padmappa
(vii). K. Jara ppa Naik and
(viii) Ramachendraya

To A. S.

These are eight appeals from the membe

p 2. of P. C. Manual of the Panchayat Court under section 8
of Act I of 1889 against the Collector's

pp 17-19 of order removing all the members of th
Panchayat Court. The order was passed

by the Collector without any orders from the Dt. Judge. So an appeal will lie to the Board in each case. The appeals are in time. Of the eight members who appealed G. S. Bhatt was the President of the Panchayat Court. p. 35 of No (iv) on p. 1 N F.

2) The circumstances leading to the order of the Collector as gathered from the records are given below. The administration of the Panchayat Court was very bad. There were two factions in the Court. One party was led by the President and consisted of three or four members while the other party was led by S. E. D'cunha assisted by the Asst. Karnam ~~to the worms of the~~ (Clerk) of the Panchayat Court. There were inordinate delays in the disposal of suits, and the President ~~used to~~ was taking sides with the parties. Several complaints were received about the administration of the Panchayat Court and several warnings were given both by the Dt. Munsiff and the Collector but they had no effect. Matters precipated when Bava @ alias Mam Beary and Pounna # Hegde and Govinda # sent petitions to the Collector making certain allegations ~~alleging certain facts~~ against the President in regard to the disposal of the suits os 1763/30 and 848/30 respectively on the file of the Panchayat Court. p. 105 of

p. 143 of (T) or p 17 of (N)

@ pp 11-16 of (K)

pp 45-47 of (K)

(T) and (S)

The Tahsildar enquired into these petition

pp 31-33 of (K) and pp 49-50 of (K) and p. 51 of (K)

and reported that the President might be removed. The Rev. Divl. officer also thought ~~recommended~~ that the President deserved removal but suggested that ~~recommended the reports of the Tahsildar Courtes~~ he might be given a last warning - on the strength of these reports the Collector passed the order under appeal without framing any charges on any of the membe and without hearing anyone. By his

pp 17-19 of

3) By his order dt 19.8.32 the Collecto removed all the 12 members of the Panchay Court. section 9(7)(b) of the Act says that

p 3 of P.C. Manual

the Governor in Council may by an order notified in the Dt gazette disestablish any Panchayat Court. It would appear that the Collector's order under appeal has done what the Governor in Council ~~ought to~~ alone can do. It is for consideration whether the Collector has not exceeded his powers in passing such an order and whether his order is legal

pp 17-19 of

I don't think so: s.9(7) refers to abolishing the existence of a P. Court qua a Court. This is a queer case but on this point I see no legality

4). The Collector has submitted the records of the case and reports that the removal of the President and the member of the Panchayat Court was the result of a scandal and that there was no harmo between the President and the members. The Collector has also submitted

pp. 103-104 of

A.M./18.1032.

(S) and (T)

the records of the two suits of the Panchayat Court about the disposal of

of which petitions were received by him. The records are in Kannada. They have been got examined and a translation of the ~~decree~~ judgment in one of them is put up. The collectors order is brief and very general and the details of the facts upon which the misconduct of each of the President and the Members is to be assessed cannot be obtained. In this connection the report of the Tahsildar which dealt with the irregularities in the suits 1163/30 and 848/30 are for perusal. These reports go to show that the President was more to be blamed than the members. (M) pp 17-19 of Are not available - pp. pp. 31-34 of (K) pp. 49-50 of (K)

5). The main contention of the appellants is that the collectors order was ex parte; that the collector did not give notice of any charges framed against them nor did he call for explanations in respect of the charges. Some of them understand that they are prepared to answer any of the charges framed against them. The appeal petitions are all similar

6) As regards the ~~petitioners~~ appellants Contention The following is submitted. Section 8 of the Act deals with the collectors powers to ~~frame~~ No rules have been

~~pass~~ framed under the Act for the conduct of the inquiries. According to the note under B.S.O. 146(3) the inquiry is to be conducted on the lines indicated in B.S.O. 133. Please also see the notes at pages 3 to 4 N.F of B.P. 1609 dt of 18.3.32. It is clear from the records sent by the Collector and the reports of all the officers including the Collector that the order of removal was passed by the Dt. Collector without conducting a quasi judicial inquiry against the appellants in their presence and giving them an opportunity to cross examine the witnesses and examine their witnesses ~~for their defence~~ It is also clear that there was nothing ~~established~~ against the appellants except that the President, ~~who was~~ took sides with the parties and did not give effect to the decision of the majority of the members of the Board. The want of harmony in the above circumstances can be no ground at all for removing the other members of the Board. Even against the President, the order of removal should have been passed after an ~~judicial~~ inquiry in accordance with B.S.O. 133. In the circumstances

p. 850 of Vol III

p. 776 of Vol III

flag (O)

pp 5-9; 31-34; 49-50; 51; of (R) and pp. 103-105 of

p. 776 of Vol III

it is for consideration whether the absence of an ~~~~ enquiry into the matter is not sufficient to justify the cancellation of the order ~~~~ under appeal and the remanding of the cases to the Dt. Collector for fresh action after due notice to the appellant and enquiry in accordance with the B.S.O. 133.

p. 776 of Vol III

K.S. It is clear that the Collector has virtually disestablished the Court. If the Court was not functioning properly it was open to the Coll. to move the Govt. to abolish it.

Secondly the procedure adopted by the Collector removing the Members is not correct. Formal Charges should have been framed and explanations obtained. The members could then have had recourse to Certiorari by the High Court to quash the proceedings of the Collector with circumstances the Appellants may have to be directed to move the Govt. to direct the Court to function and then pass orders

15 mar

The cancellation order is ~~~~ summary and cannot be supported on any ground. No definite charges were framed ~~~~ or communicated to the appellants and no enquiry was held in their presence. Neither the Tahsildars nor the Distt Officer were examined. In Khanabi Sheerthi charges of incompetency or

against the appellant particularly can be framed with reference to the records of cases heard by the Discharge Court ~~may~~ cannot be heard until they are communicated to the appellants and an enquiry is held in their presence. Though there is no obligation to adopt the forms of legal procedure it is necessary that the case against the appellants should be heard in a judicial spirit in accordance with the principles of substantial justice. This has not been done in the present case. The impugned order may be cancelled and the may be asked to frame specific charges against each of the appellants hold an enquiry and then dispose of the matter

S

17-10-32

-please see the decision of the Hon. High Court. at pgs 137 – 151, Vol LV (Part II) – put up

I agree with A.S. If the Court was so bad, one will think it will be easy to get rid of the two leading men of the opposing sides & try again.

Ajit/18.10.32.

Ref.

The Coll. has not framed charges or given the members an opportunity of representing their cases the Govt do so now for any member against whom there appears to be sufficient ground for individual proceedings. The impugning Govt. Lr in acc[ce] with BSO 183 The order of the Coll. was . . .

20 OCT 1932

is cancelled.

Draft

P.T.O

—AS (L-R).

Draft Submitted

2) The Collector's order - pp 17-19 c/-

which has been cancelled by the
Board removed all the members
of the Panchayat Committee +
2 of the members have come to the
Board. It is presumed that
removal of the
the remaining members stands
as they have not chosen to
move the Board on appeal,
and that no instruction
be given to the Collector
on 3) Some of the records
now impounded may be collect
ed/handed to the disposal
of the Appeal Petition of the
Asst. Karyanam of the Panchay
Courts which is also pending
with the Board. Para 3 of the
draft is added subject to
approval

K.B
20/10/82

Judgment of the Panchayat Court in case No. 1763/30. of 28.9.31

Members present

M. R.Rs

1. G. S. Bhatt
2. M. Raghavendra Poi
3. Ramachendraya
4. S.E. D'Cunha
5. A.R.D'Souza

Plaintiff

Bava alias Mam. Beary

Dftdt

Hussainabba Beary

Abstract of the case

The plaintiff says that he borrowed from the defendent on two occasions Rs 7/- Rs 1(on the mortgage of one Benares shawl valued at about Rs 21/- and some Cooker utensils worth about Rs 49/- respectivel and that when he offered to give to the defendent the sum due, ~~he claimed~~ an asked for the return of the articles the defendent evaded the plaintiff. The val of the articles being Rs 70/- and Rs 23/- having been already by the plaintiff the claim of the plaintiff is for the balance of the amount viz Rs 47/-.

Judgment

In this case the witnesses on behalf of the

plaintiff have been examined: ~~According~~

According to the order of the D.J. Nuwara
in O.P. No. 69 of 31 the present case ~~in question~~ is
within the jurisdiction of this Court
agrees to
the plaintiff/abide by the decision of
the Panchayat Court The defendant does not
has sent is within time. The plaintiff has
proved his case. The defendant has not
~~has~~ succeeded in disproving ~~cross examining~~ the evidence
of the plaintiff. It is learnt that the
defendant is a rich man and that the
plaintiff is poor and that the latter
mortgaged his properties with the former
defendant states that the plaintiff owes
him Rs 321- and that the latter did not
pay in spite of notices issued. He admits
that he keeps regular accounts of his
business but has not filed them

After hearing both sides this Court
has to conclude from the evidence adduced before the Court
Comes ~~to the conclusion~~ that the defendant
~~wants to~~ is on unfriendly terms with the
plaintiff and that he wants to harass
~~to~~ him in many ways

As the plaintiffs case is proved
this Court decrees the payment by the
defendant of Rs 471. claimed by the plaintiff
together with interest at Rs 6 1/2 % from
8-11-30 the date of the plaint + 0-1-0

(SD). Raghavendra Pai.

A R D'Souza

S.E.D'Cunha

Dissenting note of 5-10-31 of the Presidency

The plaintiff in his statement says that he offered to return the amount got by him on the mortgage of the ~~property~~ articles valued at Rs 70/- ~

Therefore this Court now comes to understand that ~~he~~ it has no jurisdiction to try this case. The plaint is returned.

(SD) G. S. Bhatt
President
5.10.31

This decision has been pronounced in open Court in the presence of the plaintiff and the defendant on 5.10.31